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PAMPHLETS

ON

THE CATHOLIC CHURCH

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Story of The Menace Trial

A Brief Sketch of this Historic Case With Reports
of the Masterly Addresses by

Hon. J. L. McNatt

—and—

Hon. J. I. Sheppard

Attorneys for the Defense



COMPILED BY B. O. FLOWER, *et al.*
President Free Press Defense League

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The vindication of **THE MENACE** was the first distinct victory won by the friends of our free institutions, in the mighty conflict being waged by the Roman Catholic hierarchy, for the purpose of substituting the papal theory of government for the free democracy of our republic. It was a victory of great significance and interest to all present day patriots, and will take its place with other historic cases in the people's warfare throughout the ages in defense of their vital freedom from the assaults of despotic rulers, hierarchies and privilege-seeking classes.

Preface

There have been many critical hours in the history of this Republic, but not until recent years has there been a nation-wide organized and systematic attempt to replace the magnificent free democracy of our fathers by a system that in history, theory and practice has consistently opposed all the distinguishing glories of our free Republic—popular sovereignty, freedom of religion, thought, speech, press and assembly, divorce of church and state and popular secular education.

The present peril is doubly dangerous because it is advancing under false pretenses claiming that it does not represent a hierarchical power that condemns popular sovereignty, freedom of thought and utterance, divorce of church and state, and our public free school system, in the face of the fact that the last three popes, the only authoritative and to the subjects of the papal system, infallible mouthpieces of the hierarchy, have gone on record in condemnation of all these things.

No one can read the encyclicals or *ex cathedra* and therefore, to all Catholics, infallible and binding declarations of Pope Pius IX, Leo XIII, and Pius X, in regard to all these things, without recognizing that this war is between

two irreconcilable theories of government. It is a war for the very life of the democracy of the fathers and those great bulwarks of free institutions against which Rome has waged a ceaseless war since the days when she began her merciless extinction of the God-fearing Albigenses in the twelfth century, to the present hour; a war in which the same intolerance and implacable hate have often times been evinced as marked the struggle between ancient Rome and Carthage.



The Story of The Menace Trial

By B. O. FLOWER, President Free Press Defense League.

The prosecution of THE MENACE which opened on Tuesday, January the 11th 1916, in the Federal Court room in Joplin, Missouri, was an event that will loom large in the perspective of history, for it was the great opening battle in the mighty irrepressible conflict between two world theories of government that, being mutually exclusive can not exist together.

There had been several sharp scrimmages between the upholders of the democratic theory of government and the organized upholders of the papal theory in recent years, since the Romanists set out to make America dominantly Roman Catholic. But not since the Knights of Columbus and the American Federation of Catholic Societies began their attacks on freedom of speech and press has any battle been waged that is comparable to this determined attempt to crush THE MENACE.

THE STAGE AND THE BACKGROUND

Joplin, Missouri, is a small western city of about forty thousand souls. Heretofore, it has chiefly been famous as a great zinc and lead mining center, henceforth it will have another claim to immortality. From January 11th, 1916.

Joplin will be known to history as Alton, Ill., and Harper's Ferry are known in the chronicles of our nation.

History takes note of crucial events. Little else appears upon her negatives. What makes Marathon forever glorious in the world's annals? What gives enduring interest to Salamis, to Thermopylæ, to Runnymede, to Independence Hall or to The Alamo? All these places would have been forgotten, or innocent of interest, had it not been for events of historic importance, the overthrow of the Oriental hordes, the heroic defense of the Spartan band, the signing of the Magna Charta, the promulgation of the Declaration of Independence, the unforgettable heroism of the little band who had no messenger of defeat—such deeds of daring, marking crucial moments in the annals of nations or the history of civilization, make indelible impress upon the ages. These are dear to history; so Joplin henceforth will live in story.

THE HAND OF ESAU BUT THE VOICE OF JACOB

Who was the prosecutor of *THE MENACE*, and what was the true animus behind that prosecution?

Outward and seemingly it was the United States government, but inwardly and truly it was politico-ecclesiastical Romanism; and behind the United States government were the tax payers of America, who must bear the burden of this, and other costly prosecutions that have been brought about recently at the instigation of the clericals who are striving to substitute the papal for the democratic system of government.

Only because *Rome is in politics*, only because she is organized and can act as a unit, is it possible for such shameful burdens to be imposed upon the eighty-five million non-Roman Catholics of America, by the less than fifteen million Romanists in the effort to further abridge the liberty of the

press and to check freedom of religious discussion through employing technicalities that are in effect a shameful abuse of the obscenity statutes.

On more than one occasion, at the annual meeting of the American Federation of Catholic Societies resolutions have been passed demanding legislation that would *abridge the right of religious discussion*. For years the Roman Catholics in their press, in public meetings, and through their organizations, have been carrying on an aggressive warfare to destroy THE MENACE. The prosecution at Joplin was merely one of the multitudinous efforts of politico-ecclesiastical Romanism to destroy the most formidable organ arrayed against the un-American aggression of Political Romanism.

ABUSE OF THE OBSCENITY STATUTES

The so-called obscenity statutes were passed by our law makers for the purpose of preventing the publication and dissemination of palpably obscene, lewd and corrupt matter that was being circulated with the manifest purpose of debasing the morals of the people. Many far sighted friends of freedom and statesmen of breadth of vision and knowledge of history, opposed the legislation as framed, on the ground that it was too loosely drawn and would be liable to be employed as an instrument of persecution against noble minded men and women who were striving to correct abuses and expose moral and debasing conditions. It was pointed out that *great interests that might be fattening upon corrupt practices, or organizations that might be engaged in evil practices which feared the light of day, might easily seize upon these statutes to prevent the public from being acquainted*

with the evil facts that canker-like, were eating into the body politic.

The prosecution of THE MENACE afforded a striking verification of the predictions of the wise and noble minded statesmen and moralists, who feared that the proposed legislation would be thus made *an instrument of persecution for the shielding of those who feared the light.*

Clearly in all cases of this kind, if the ends of justice and morality are to be conserved by the courts, (and what other legitimate functions have the courts in such cases?). Certain elements should be taken into consideration, as, for example: the intent of the lawmakers who frame the statutes; the character of the defendants; the palpable aim and object of the publishers; the general moral tone and character of the publication, and especially the character and obvious influence on the mind of the general reader of the article or publication against which the charge is brought.

If stern moralists, whose passion is to purify and ennoble society, are to be made amenable to the statutes for exposing conditions of white slavery, for instance, for attempting to protect the defenseless from the moral lepers of society; if high-minded Christian men whose only aim is to conserve morality and preserve free institutions can be prosecuted for exposing moral iniquity and evil and un-American conditions, *then vice, immorality and obscenity will flourish as the bay tree, by virtue of such abuses of the Statutes intended to remedy the evil conditions.*

To wrest a few words, sentences or paragraphs from their context and refuse to permit a jury to consider the discussion of the whole, and to refuse to permit the accused to prove the truth of the charges made to establish the intent, purpose and necessity for their publication clearly is not only

to do violence to the aims of the legislation, but it is to establish conditions that foster, bulwark and render impregnable the very evils the laws aim to check.

In the course of his opening address, the senior counsel for the defense, thus contrasted the real intent of the framers of the obscenity statutes with the present attempt to destroy a great and sternly moral publication which had become a deadly menace to a hierarchy that dare not face the light of truth or encourage investigations into its teachings and practices. Said Mr. Sheppard:

“If your honor please, what I would like to get plain is this: You have tried, and I have tried, and the district attorney has tried, cases like we saw here this morning—foul letters sent through the mails to honest, decent women and young girls, and of course that is a vileness that no decent man could imagine for a minute being countenanced. But we are not to be tried under that rule, if your honor please. These defendants are legitimately engaged in publishing a newspaper that is devoted to attacking a great public wrong. In fact, a national evil. Under such circumstances the courts have said, and very recently, that the publisher has the right to speak plainly—‘to use language that may be offensive to ears polite.’ In the last case of this character tried, that of the Hon. Thomas E. Watson, the district court held that the jury had a right to determine from the publication itself, the good faith and purpose of the writer, provided he was attacking some great wrong. And this to determine whether the matter complained of is obscene.”

Another important fact was clearly emphasized. It was shown that if such prosecutions and persecutions are tolerated by parity of reasoning the Bible, together with a vast number of the noblest works of genius born of our civilization, necessarily come under the meaning of these statutes and should,—nay, must be ruled out of the mails unless the

courts in deference to Political Romanism propose to make fish of one and fowl of another.

In the case of Anna Lowry it was a Roman Catholic who was instrumental in securing her arrest in Minnesota on the charge of uttering obscene language, when she had merely read the questions which the Roman Catholic saint Liguori prescribed for priests to put to maid and matron in the privacy of the confessional. In the case of Thomas E. Watson it was the American Federation of Catholic Societies, according to the boast of its secretary, which secured action against the distinguished southern editor for publishing Liguori's questions, though Mr. Watson took the precaution to publish them in Latin, just as they are published and sent through the mails by leading Roman Catholic publishing houses of America.

So it was leading Roman Catholics who instigated the prosecution and sought to crush THE MENACE by means of the obscenity statutes, because that journal did what decent journals must do if the purity of society is to be maintained, viz., expose what appear to be immoral and vice-breeding conditions.

NOT A QUESTION OF MORALS

The matter complained of is so palpably less open to objection on the grounds of obscenity than much of the uncriticized news matter appearing in the daily press of the land, that the pretext upon which the prosecution was based is too absurd to merit serious consideration. Moreover, the Roman Catholics are circulating through the mails, matter written by one, who during the last century was honored by the Roman Catholic church both by canonization and elevation to the degree of Doctor of Moral Theology, which the courts hold to be grossly obscene; and this vile and obscene

matter constitutes the questions which this greatest of Rome's moral theologians prescribed for bachelor priests to pour into the ears of innocent maids and matrons in the secrecy of the confessional.

Hence, it is perfectly clear that the obscenity statutes were invoked merely on a technicality in order that *without expense to the Roman Catholics, the American tax payers, over eighty-five per cent of whom are non-Roman Catholics, might be burdened in the organized effort of clerical Rome to interfere with freedom of religious discussion.*

WHAT ROME OBJECTS TO

What Rome objects to is the publicity given to facts connected with lives of priests and the moral teachings endorsed by the church which are in direct opposition to the moral standard of American society.

From what has been said it will appear that this trial was one so vital in its import to free institutions and to the continued upward sweep of our civilization, that every friend of fundamental democracy and of sound morality can not fail to rejoice at the outcome. Moreover, since it was the opening conflict in what is probably the greatest crisis in the history of free institutions, it is a story of overshadowing interests to present day patriots and to generations yet unborn.

To visualize the scene and fix the prominent figures in the readers mind, we will give a cast of the principal characters in this vital twentieth century drama.

LEADING CHARACTERS IN THE HISTORIC TRIAL

Hon. Arba S. Van Valkenburgh: U. S. District Judge who presided.

Francis M. Wilson: U. S. District Attorney.

S. O. Hargus: Assistant to the District Attorney.

J. I. Sheppard and J. L. McNatt: Attorneys for the defense.

Frank Dale, Sheldon, Mo.; H. G. Foster, Nevada, Mo.; J. C. Lane, Crane, Mo.; Ely Maupin, Lamar, Mo.; Dudley Biggs, Rocky Comfort, Mo.; J. C. Brown, Liberal, Mo.; J. W. Jennings, Oto, Mo.; C. A. Caldwell, Anderson, Mo.; U. L. Coleman, Marionville, Mo.; H. T. Maberry, Mt. Vernon, Mo.; J. F. Hisey, Bronaugh, Mo., and Andy Flaxbeard, Rocky Comfort, Mo.: The twelve American citizens who acted as jurors in the case.

THE DEFENDANTS

Rev. Theodore C. Walker: Senior editor of **THE MENACE**.

Marvin Brown: Managing editor of **THE MENACE**.

Wilbur F. Phelps: Business manager of **THE MENACE**.

Bruce M. Phelps: Superintendent of the plant.

THREE STAR WITNESSES FOR THE PROSECUTION

Landry Harwood of Kansas City, Mo.: A leading official in the Knights of Columbus organization who furnished copies of **THE MENACE** to District Attorney for use in prosecution. Mr. Harwood admitted that as officer in the state organization of Knights he had authorized the publication for general circulation of Paul Bakewell's letter to the Washington authorities demanding action against **THE MENACE**.

Edward V. P. Schneiderhahn of St. Louis, Mo.: A leading officer of the St. Louis branch of American Federation of Catholic Societies, who testified that he had furnished Paul Bakewell copies of **THE MENACE** to be used in securing government action. He had conferred with Judge O'Neil Ryan, another leading Romanist, about action against **THE MENACE**.

Miss Nonie J. Wilson: Stenographer to Paul Bakewell, the prominent Knight of Columbus who boasted that he had secured government action against **THE MENACE**. She testified that she was a Roman Catholic and had secured for Mr. Bakewell, copies of Mr. Crowley's book.

TWO WITNESSES FOR THE DEFENSE

Jeremiah J. Crowley: A former priest in the Roman church and author of the book containing a quotation upon which one count of the indictment was found.

Prof. Walter Miller of Columbia, Mo.; Head of Latin department in the University of Missouri, who was present, to translate and

read from Liguori's and Gury's Moral Theology, to establish the contention of the defense that the obscene character of the teachings of these Roman Catholic authorities on moral theology must necessarily prove a demoralizing influence on the priesthood.

IN THE BACKGROUND ON THE SIDE OF THE PROSECUTION

Among those present not called to testify by the prosecution were Paul Bakewell and a number of prominent Knights of Columbus and other Romanists.

IN THE BACKGROUND FOR THE DEFENSE

The defense had ready and waiting to testify to the high standing and character of the defendants and to the fact that in their judgment THE MENACE was moral and not obscene or objectionable. The leading clergymen and business men of Aurora. The court, however, ruled that the character of the defendants and that of the publication was immaterial.

Time, January 11th to 14th, 1916.

Place, Joplin, Mo.

SIGNIFICANT CONTEMPORANEOUS EVENT

While the jury was deliberating on THE MENACE case, the Protestant women of Aurora, Mo., the home of the defendants, were holding prayer meetings in the churches, praying for the acquittal of the editors against whom the Roman Catholics had instigated this prosecution in the true historic spirit of that persecuting church. The night of the fourteenth when the news of the acquittal reached Aurora there was general rejoicing in the town. An immense crowd comprising more than half the population gathered at the depot, headed by the band and when the defendants stepped from the train they were royally welcomed.

THE JURY

The jury was chosen from a list of between forty-five and fifty men, drawn by the government officer from the entire judicial district. Each side, of course, had the privilege of making the number of challenges prescribed by the law. The men selected were as intelligent and thoughtful a group

of sturdy American citizens as one will find in months, either in city or country court rooms. They were men who realized the solemn duty devolving on them, and judging from their close and intelligent interest in everything relating to the evidence they were considering, were evidently determined to do their full duty as citizens of a great Republic dedicated to human rights and justice.

THE OPENING OF THE CASE

In the opening of the case for the prosecution and throughout the trial, Mr. Francis M. Wilson, the government attorney, resolutely maintained that the characters of the defendants and that of the publications, the truth of the charges, or the intent or purpose of the defendants in publishing the matter complained of must not be taken into consideration as it was all immaterial. On this point he said :

“It makes no difference whether the hand that penned each and every one of these articles which I have read to the jury, was a hand guided by hurtful or good purposes: that is not material. Upon the other hand, whether the motive is a good or a bad motive, whether the article is true or untrue, that is not an issue in this case.”

Mr. Wilson insisted that the government did not contend that THE MENACE was an obscene paper or that Mr. Crowley's book was obscene, but he held that the *brief excerpts* which he read and the short articles given in the indictment came within the meaning of the law. His position had, indeed, been outlined the day previous in an interview published in the Joplin papers. In this interview as well as in the court room Mr. Wilson insisted that *Roman Catholics had not instigated the prosecution*. Taking this stand was one of the glaring blunders of the prosecution which gave Mr. Sheppard the opportunity to puncture the false claim, this he did to the queen's taste, when he showed that

of the millions of American citizens who weekly read **THE MENACE** the only persons the government had been able to introduce, as witnesses who had received the paper through the mails were prominent Roman Catholics, officers in the Knights of Columbus or in the other great politico-religious Roman body, The American Federation of Catholic Societies.

One of the most significant facts clearly established by the trial was the very thing the government did not wish the public to know. As has been indicated, Mr. Wilson tried vainly to cover up the trail of the serpent, but unhappily he was fatally handicapped as the only persons whom the government had been able to obtain complaints from among those receiving **THE MENACE** through the mails *were leading servitors of the papal sovereign on the Tiber.*

Here we found ourselves meeting

AN OLD FACE UNDER A NEW BONNET

Here was present the old spirit of the Roman Catholic Inquisition masquerading under new names and peering at us from a new bonnet. Here it was clearly shown that Knights of Columbus aided by a prominent officer of the American Federation of Catholic Societies instigated, aided and abetted the prosecution.

Mr. Wilson's heroic effort to create the impression that the government was not acting under the prodding of political Romanism was a pitiful failure. He overshot the mark, like the player queen in Hamlet he "protested too much," as the following extracts from the stenographic report of the trial clearly show (Mr. Landry Harwood, a leading wit-

ness for the prosecution, is being examined by Mr. J. I. Sheppard.)

THE HAND OF ROME REVEALED

Q. In addition to being a member of the Catholic church, are you also a member of the Knights of Columbus?

SENATOR WILSON: Wait a minute, if the court please. We object to that for the reason that there is no such issue presented in his case. It has no more relevancy whether he is a Knight of Columbus than it would have if I were upon the stand and testified that I was a Mason and a Knight Templar; and therefore it is not a proper subject of inquiry whether he is a Knight of Columbus—no more so than the fact that I am a Mason and Knight Templar.

THE COURT: From what has been stated here by counsel in their opening statements, and what is embodied in the exhibits and the charges, this witness testifying to the matter of having received this particular copy of the paper through the mails as a witness, and as bearing upon his relations to the case, this question will be indulged to a reasonable extent, merely to show his interest in the case, but not going into any special details.

A. The question was whether I am a member of the Knights of Columbus?

Q. Yes, sir.

A. I am.

Q. Do you hold any office in that organization in this state?

A. I do.

Q. What is it? A. I am State Deputy.

Q. That is organizer? A. *I am the head officer of the Knights of Columbus in the State of Missouri.*

Q. I hand you a booklet marked exhibit 209 and ask you if you are the Landry Harwood whose name appears on that as State Deputy?

A. I am.

Q. Was that booklet issued under your authorization or direction? A. Issued under my authorization, yes, sir. I don't know that I directed it. I knew that it was being issued.

Q. Was it circulated by you or under your direction?

A. Through the State Secretary, yes, sir.

Q. That is what I mean: under your direction. A. Yes, sir.

Q. Who prepared it for circulation?

SENATOR WILSON: If the court please, we think that after having shown his relationship as a member of the Knights of Columbus, and that he is a Roman Catholic, that hardly anything he may have prepared under his duties as a member of the Knights of Columbus, a member of that organization, would be competent for any purpose in this case, inasmuch as nothing that he may have done would in any wise be relevant in any other capacity.

THE COURT: I don't know but that this is a preliminary question. I have nothing yet to pass upon.

A. Do you mean, who wrote the article, or who had it printed?

Q. Under whose—you say it was prepared under your direction: who prepared it? A. You asked me whether I had it sent out.

Q. And I asked you if it was prepared under your authorization. A. I don't want to be technical, Mr. Sheppard. I didn't have this written or ask or direct that it be written or have it prepared for circulation.

Q. What I want to get at is to find out just by whom it was prepared and what part you took in it. A. You mean as to what part I had in having Mr. Bakewell circulate this letter?

Q. But who put it in this form to circulate among the people. A. I think the pamphlet, entitled, "Paul Bakewell's Letter to Postmaster-General Albert S. Burleson" states on the cover that it was issued under the auspices of the Lakeport Bureau of the Missouri State Council of the Knights of Columbus, under the Lakeport Bureau.

SENATOR WILSON: I am going to object to that for another reason, and that is that counsel is asking the witness to detail the contents of a book or open letter addressed to the postmaster-general of the United States, alleged to have been written by Mr. Paul Bakewell, who is here in this court room as a witness and able to testify if it be proper at all as to its contents. Now the contents of such a book or what may be in the book, the government holds to be irrelevant to this issue.

THE COURT: He has been asking now what part he had in preparing this pamphlet for use. Up to date there has been no call for any word as to what it contains nor by whom written or anything about it.

SENATOR WILSON: We have no objection to his merely stating his connection with it.

A. (Continuing) After the letter had been sent, or copies of it had been printed, it was called to my attention by some officer of the order of the Knights of Columbus in the city of St. Louis, just whom I cannot recall, with the suggestion that it was advisable to have copies of this printed and circulated. I agreed and that was done. It was printed, my recollection is, in the city of St. Louis—I am quite certain that is a fact—and sent out from the State Secretary's office, John T. Nugent of the city of St. Louis.

Q. That letter that you have referred to there had been first sent to the postmaster-general, Mr. Burleson? **A.** So my information is.

Q. And then you concluded it was advisable and you were so advised by other members of that organization that it would be a good idea to publish this letter and circulate it? **A.** That is correct.

Q. For the purpose of coercing the government into indicting these men?

SENATOR WILSON: I object to that. There is no coercion in that—

A. (Interrupting) Most certainly not.

SENATOR WILSON: I object to it for the reason that it is a highly improper question. There is no coercion,—

THE COURT: The witness has answered.

Q. The letter was complaining of **THE MENACE** generally, not any particular article in **THE MENACE**, and about the book that I hold in my hand. **A.** The letter, as I interpret it, Mr. Sheppard, is a consideration of the law involving—

SENATOR WILSON: Just a minute—

MR. SHEPPARD: Just answer what, if anything it dealt with.

A. (Continuing) It dealt with the law in regard to the mails, affording mail facilities to publications such as described in the letter.

Q. Now, but you haven't answered my question. Doesn't it refer to **THE MENACE** newspaper alone and to this book, to this book also in particular? **A.** It has in there statements about **THE MENACE** and sections of the criminal code and decisions of the United States courts involving mail facilities.

Q. Calling on the postmaster-general to exclude **THE MENACE** from the mails? Doesn't it request that that be done?

(No answer)

Q. And requesting him if he had no authority to do that, to submit the book that he sent along, and the copy of **THE MENACE** to the attorney-general of the United States for action by the Department of Justice, if possible.

SENATOR WILSON: We object to all of that.

THE COURT: I understand—

A. (Interrupting). He requests that this matter be called to the attention of the Attorney General of the United States who may see to it that the publication of **THE MENACE** and the book—

A. (Interrupting) That he initialed for identification, and sent? A. My recollection is that is in here. I just turned to it right now.

Q. And that he had proof that it was sent through the mails?

A. Yes, sir.

Q. You were here before the grand jury at the time this indictment was returned? A. I was.

Q. You subscribed, did you not, to **THE MENACE** for the purpose of watching its columns to— A. (Interrupting) The publication was called to my attention by Mr. Frank Cummings of Joplin. Mr. Cummings said that he would have the paper sent to me, and he did.

Q. And you watched it and read it for the purpose of finding something upon which to base an indictment or something upon which you could complain to the government and get it excluded from the mails? A. That is correct in general, yes, sir.

Q. What was the name of the man you said subscribed for the paper for you, some Joplin man? A. Frank Cummings.

Q. Is he also a Knight of Columbus and a Catholic? A. Yes, sir.

FURTHER PROOF THAT ROME INSTIGATED THE PROSECUTION

Mr. Landry Harwood, the head of the Knights of Columbus of Missouri, was followed on the stand by Mr. Edward V. P. Schneiderhahn, who stated that he was an officer in the St. Louis branch of the American Federation of Catholic Societies. This star witness for the prosecution testified under the questioning of Mr. Sheppard as follows:

Q. What did you do, Mr. Schneiderhahn, with the paper that government counsel has passed you and identified as having been received by you through the mails, after you got it?

A. I constructed a file, Mr. Sheppard, when the papers, THE MENACE copies, began coming to me. That was in April, in the beginning of April of 1914. I laid them by for reference.

Q. What did you finally do with it. Anyone call for it finally?

A. The persons that I recall coming to see me with reference to THE MENACE were Judge O'Neil Ryan and Mr. Bakewell.

Q. Who is he? A. Judge O'Neil Ryan is an attorney in the city of St. Louis.

Q. A Roman Catholic. A. Yes, sir.

Q. A Knight of Columbus? A. That I don't know. Mr. Bakewell—

Q. (Interrupting) Who is he? A. He is an attorney. He is present here.

Q. He is present here? A. Yes, sir.

Q. A Knight of Columbus? A. I do not know.

Q. And these gentlemen are they members of this society, that is the Federation of Catholic Societies, that you spoke of?

A. I don't know because I do not know the names of all the societies. There are about—well, between seventy and eighty; they may fluctuate, but they are not all of the city of St. Louis; about that many that are affiliated with the Federation.

Q. Let me ask you: did you finally turn this paper over to Judge O'Neil Ryan and Mr. Bakewell? A. I am not sure about the identical copies I turned over. I turned over a number of copies to the postoffice inspector, but I don't remember how many; I think there were about ten in January, this last past January, 1915.

Q. You turned them over to the inspector after being interviewed by Mr. Bakewell and Mr. Ryan? A. I don't know who was the gentleman, because I am not clear as to the conversation with Judge O'Neil Ryan, but it was sometime after that.

Q. That is what I say. A. Yes, sir.

Q. It was after that you turned them over to the Inspector?

A. Oh, yes.

Q. Did he tell you he had been referred to you by Mr. Bakewell and Mr. Ryan? A. I don't remember his conversation, Mr. Sheppard. He said to me that he had learned that I had a file, and

asked for certain papers, and I had the file there, I had it only for reference, and I give him the papers.

Q. When Ryan and Bakewell were with you did you go over the file, you three lawyers? A. There were particular copies that Mr. O'Neil Ryan wanted to see, but I don't remember which, Mr. Sheppard.

Q. At the time you and Mr. Bakewell and Mr. Ryan, you three lawyers, conferred about these papers, did you read them or some of them? A. No, Mr. Sheppard, it is not correct that we three conferred. I saw separately Judge O'Neil Ryan and Mr. Bakewell separately.

Q. They came on separate occasions? A. Yes, sir.

Q. First which one came? A. I could not tell the exact time; I think it was about in November, 1914, but I can't identify those dates.

Q. When Ryan came, did you and he read the same articles in the paper? A. No, I just had the file there and let him have his inspection, what he wanted, whatever he said. I am, of course, a lawyer, and I won't want to go into any statement of his object declared to me, and I let him have the files.

Q. He did say to you, did he not, that he wanted to look at these papers with a view of determining whether or not THE MENACE and THE MENACE people could be prosecuted, or the paper put out of the mails?

SENATOR WILSON: I object to that for two reasons: If he consulted as a client, it is privileged, and—

MR. SHEPPARD: I will withdraw the question.

Q. Mr. Bakewell came to see you either before or after Mr. Ryan? A. Yes, sir.

Q. And you showed him the papers, did you? A. Yes, I let him have an inspection. Whether he came personally or sent some one, or Judge O'Neil Ryan came for it, I am not positive about that, Mr. Sheppard. That is more than a year ago. But I know that both of the gentlemen spoke to me, and I am trying to give accurate information as nearly as I can.

Q. You know, being an active member of these Roman Catholic

societies, that Bakewell has been for some years interested in trying to get THE MENACE out of the mails, don't you?

SENATOR WILSON: We object to that.

MR. SHEPPARD: It is merely preliminary.

THE COURT: That can only affect Mr. Bakewell himself, and at this time is immaterial.

MR. SHEPPARD: We except.

Q. Did you at the time confer with Mr. Bakewell or at any time before the returning of this indictment with reference to getting THE MENACE debarred from the mails of the country?

A. I had one conversation with him.

SENATOR WILSON: This has reference to the barring from the mails, and the postoffice department. That and the legal arm of the government are two separate and distinct branches.

THE COURT: The court will have to instruct the—

MR. SHEPPARD: (Interrupting) That can be answered yes or no, Mr. Schneiderhahn.

THE WITNESS: I won't be sure about that.

THE COURT: The question is whether you did.

THE WITNESS: Miss Stenographer, will you have that last question repeated to me.

(Question read by the official reporter.)

Q. (Continuing) Or its editors indicted. A. Mr. Sheppard, I can not answer that just yes or no.

Q. Well, answer it in your own way. A. I had one conversation with Mr. Bakewell that I remember, at Mr. Bakewell's office, and he was looking up the federal laws on the question of the character of mail that can be excluded for obscenity, and by virtue of my position I offered to give him certain data, which thereafter I gave him, as to the United States laws. And that is all I knew about the matter.

Q. Let me ask you: at that time, special reference was made to THE MENACE, was it not? A. Oh, yes, yes.

ANOTHER ROMAN CATHOLIC TO THE AID OF THE PROSECUTION

The next witness for the prosecution was Miss Nonie J. Wilson, the stenographer of Paul Bakewell, the prominent

Knight of Columbus and Romanist who boasted that he had secured the indictment against THE MENACE. It was on the testimony of these three prominent Romanists, Harwood, Schneiderhahn and Miss Nonie J. Wilson, that the prosecution depended for proving that the papers and the book mentioned in the indictment had been received through the mails. Miss Wilson, in answer to a question from the prosecuting attorney stated that she and Paul Bakewell were both members of the Catholic church. The following testimony was elicited under the cross examination of Mr. Sheppard.

Q. Did the circular advertising the book come with the book?

A. I think I did receive some circular, with the books.

Q. I hand you a paper marked Exhibit 210 and ask you if that is the circular that you received at the time the books were received by you. A. I don't remember it.

Q. You don't remember it? A. I don't remember it.

Q. Do you remember, Miss Wilson, of the circular that you received containing a challenge to anyone, either Protestant or Catholic, to prove any statement in the book untrue and offering ten thousand dollars to the person that would do it?

SENATOR WILSON: If the Court please—

MR. SHEPPARD: Did you understand my question?

A. I lost track of it.

Q. Do you remember seeing on this circular a challenge to Rome or to anyone to show that any statement made in the book was untrue and offering to pay to any person who would find an untruthful statement in it the sum of ten thousand dollars?

SENATOR WILSON: I object to that as incompetent and immaterial.

THE COURT: Sustained.

MR. SHEPPARD: We except. And I offer to prove by this witness that the circular she says she received contained that statement—

THE COURT: Objection sustained.

MR. SHEPPARD: I didn't notice that he objected to the offer.

THE COURT: I understand; that is a mere repetition of the question.

MR. SHEPPARD: I want an exception.

Q. What did you do with the books, Miss Wilson, after you got them? A. As soon as the mail man handed them to me, I took them immediately to Mr. Paul Bakewell's room, and I unwrapped them in his presence and in the presence of his brother, Mr. George Bakewell.

Q. And do you know what became of them thereafter. A. One copy was sent to the postmaster-general at Washington, and the other copy Mr. Bakewell kept.

Q. Will you look at this (indicating) and see whether this is the copy that was sent to the postmaster-general at Washington?

A. It was initialed. I initialed both copies so I can't tell which was sent and which wasn't. I initialed them both in the same way.

Q. So you wouldn't know? A. I wouldn't know one from the other.

Q. One was sent to Postmaster-General Burleson? A. Yes, sir.

Q. And one Mr. Bakewell kept? A. Yes, sir.

Q. Do you know whether he still has that in his possession?

A. I don't know.

Q. This (indicating) is one of the two copies? A. If it has my initials in it.

Q. I wish you would look. A. Yes, that is one of the books.

Q. You say you sent for them, at Mr. Bakewell's direction? He furnished the money to pay for them, did he?

A. He did.

Q. How did you send the book to the postmaster-general?

A. Through the mail.

THE OPENING ADDRESS FOR THE DEFENSE

Mr. Sheppard's opening address to the jury was like his closing appeal, a masterpiece in its clarity of reasoning, sincerity and directness. He opened by showing that **THE MENACE** had been started almost five years ago as an anti-Romanists publication but that it did not attack the rank and file of the Roman church, it opposed the Roman Catholic Political Machine. He read the opening editorial or salutatory written by the venerable and universally loved Congregational clergyman, Rev. Theodore C. Walker, who from the foundation of the publication has been its senior editor. He showed that the aim and purpose of the paper, or the chart as outlined in the opening article of its first issue has been consistently followed.

In an earnest and convincing manner he outlined what the defense proposed to prove. He insisted that certain facts must be taken into consideration if the intended objects of the law makers who framed the statute was to be considered. The government wanted to take a few words, sentences or paragraphs from long articles and without permitting the jury to know the context which was necessary not only to show whether the language used was justified, but also to show whether or not the language complained of was in its setting moral or immoral—whether the effect would be such as to lead the reader to active efforts for the purification and elevation of society or whether the effect would be debasing on the imagination. His insistence, on the necessity of the whole article being placed in evidence, as essential to an intelligent determination on the part of the jury was one of the most impressive and compelling features of his opening statement and we are inclined to believe that it impressed Judge Van Valkenburgh to such a de-

gree that he added matter from the context to the words, sentences and paragraphs in the indictment and this addition, meagre though it was, instantly emphasized in a bold and impressive manner the high and noble purpose of the articles and, though the paragraphs admitted were only small additions, they were enough to prove a staggering blow to the prosecution.

The prosecution, in addition to the testimony of the witnesses already mentioned, called to the stand a number of citizens of Aurora, to establish the positions of the defendants as officers in the company publishing the paper, or as editors of *THE MENACE*; also for the purpose of proving that *THE MENACE* was deposited in the mails.

The defense called to the stand three or four witnesses out of a great number of prominent people who were present and ready to aid in proving, the high purpose and good faith of the defendants, the truth of the charges made in the articles complained of, the obscene character of the moral theology approved by Rome and whose influence on the minds of the priest could not be otherwise than demoralizing, and the importance to the cause of sound morality of the articles published in *THE MENACE* against portions of which, the indictment was leveled.

Under the narrow construction insisted on by the court, however, these witnesses were not permitted to testify on the various points, which the defense held to be material and important to the cause of sound morality and the high ends of justice.

After the evidence had been offered and the closing arguments made by the attorneys on both sides, Judge Van Valkenburgh delivered an extended charge to the jury, oc-

cupying one hour and twenty minutes, in which he admonished the jurors to carefully weigh the evidence as it related to each of the several counts. The jurors seemed deeply impressed with the charge and after several hours of deliberation, returned a verdict of acquittal on each of the seven counts.

Thus in this great battle in Rome's campaign against the constitutional guarantees, of freedom of religious discussion and freedom of the press, the cause of democracy triumphed over the papal forces.



HON. J. L. M'NATT

SPEECH OF HON. J. L. M'NATT

**Delivered to the Jury at Joplin, Mo., January 14, 1916, In
Defense of The Menace and Its Staff Who Were
Charged With Sending Obscene Matter
Through the United States Mails.**

If the court please, gentlemen of the jury: I am glad of the opportunity to represent these defendants in a case of this kind, for it means much to them, as my friends and neighbors, whose liberty is here placed in jeopardy; but it means still more to you as citizens of this country to be right in your verdict in this case, for the principles involved in this prosecution are of the gravest and greatest importance, to every citizen that lives under the American flag. Therefore I am glad to talk to you in my weak way about what I conceive, under the rulings of the court, is your duty as jurors, to reason together and discuss this testimony, with a view of assisting you in arriving at a righteous verdict.

I trust, gentlemen, that certain propositions have been thoroughly established in your mind, for you have heard them threshed out here pro and con, and one of them is, as His Honor has so strictly indicated, that the truth or falsity of the charges contained in these counts, or, rather the facts that were printed in **THE MENACE** newspapers and in the book called "The Pope" condemning the Catholic priesthood, upon which this indictment is founded, the truth or falsity of them, I say, as far as you are concerned, should not in any way influence your judgment in this case. While we were ready to prove the truth of publications, His Honor ruled it was immaterial.

That being granted then, I am going to ask you as reasonable men, in considering this testimony, to be as charitable as the circumstances now demand that you should be, and so far as any suspicion that you may have as to these articles, disclosing such a

horrible condition in the priesthood, being untrue, be removed from your minds; and while it is true we don't like to believe such things do and can exist, in this civilized age, yet for the purpose of this case you should look at these articles that are charged to be obscene in the light and in the way you would look at them, if you personally knew them to be every word the truth.

CONTEXT NECESSARY TO JUDGE EFFECT

Now, then, I am not going to take up my time and yours in a detailed reading of what the court admitted in testimony. It was not only what the distinguished gentlemen representing the government has read to you from this indictment. You know that many things were introduced and read to you besides the excerpts contained in the indictment; they were presented to you for the purpose of enlightening you men as to what was meant by these articles charged to be obscene, and what the object and purpose and the general effect these articles would have upon the person that read them. Anything is obscene or not, according to its object and understanding. Now, bear that in mind; for that is one thing, and in fact the controlling thing, that you are bound to consider; and you should take into consideration all the testimony before you, in determining what the probable effect the reading of these articles would have upon a person of ordinary intelligence.

Therefore, starting in with the proposition that these articles are telling the truth, and that you are to consider not only what is set out in the indictment, but all the evidence and extraneous matters that the court has admitted to come to you from the witness stand, so you may judge the meaning of the articles and their object and effect upon persons reading them, then let us see.

I will adopt the definition government's counsel has given the words "obscene, lewd and lascivious," for the purpose of my argument, and I believe he is right in saying the statute under which these men are being tried for a felony is leveled at such literature as tends to deprave or degrade the morals or arouse in the mind of the person reading it lustful and evil thoughts. Let us see if any of these articles could have that effect. Take the "Little Orphan Annie" article, Gentlemen, and I apprehend you are a fair representation of the million and a half of honest, God-fearing, God-loving people who read this article, and I want you men to answer

on your own consciences if by hearing this article read, your morals have been degraded. If there is a man on this jury whose mind lies in the direction of depravity, who looks for the evil, and seeks the vulgar in all things, if, I say there is a man on this jury that, after he has read the entire story contained in "Little Orphan Annie," wherein it is described how this innocent nun was so brutally outraged, if it arouses in your mind lustful thoughts and desires that would tend to seduce your morals, answer me by your verdict and convict these men.

Does it arouse in your minds the lustful or evil thought that would lead you astray? Ah, men, I know you better than that; you are not that kind of citizens, the effect on your mind when you read of this horrible assault is one of Christian sympathy for this unfortunate girl who was so foully treated by the person she had a right to look to for protection. It does not arouse in you such feelings as would tend to demoralize your character; it does not arouse in you feelings of lustful desire; but it does arouse in your minds and hearts a feeling of regret that such base beings as this priest are permitted to live. It brings to you men the same feeling that would cause father or husband to shoulder his gun and go out to seek the despoiler of womanhood. Isn't that what you are thinking about? Why, gentlemen I would be ashamed to look you in the face, and think you would be evil minded in this matter: I would not have the courage to accuse you men of having aroused in your minds, from reading this story, a lustful desire or a lascivious thought, that would deprave your morals.

Now, you can go clear on through with the whole of these articles, and when you see the object, none of them has an effect on the mind of a sane man, of a lustful nature; but on the contrary when you read what these articles tell you is the true condition, your mind is aroused with thoughts of earnest and sincere condemnation, and your prayers are that these evils will be eventually exterminated.

Now, I have adopted the government's own definition of the purpose of this law—what it means—and you have here a case clear out of the purpose of the law. You can go article by article, and you can see that the articles complained about by the government

as being unavailable, only carry out the objects of this wonderful publication that was set forth as the platform in the initial number.

PUBLICITY A CORRECTIVE POWER

It has continually, as these articles show, held up to the public something the public is entitled to know; and when that is done, I say the morals of the country, instead of being depraved or degraded, will have been uplifted in the minds of all sane and Christian people.

Let us take a few examples: They comment more specifically on what was said in Mr. Crowley's book about the priest Thompson. They say that is obscene and filthy; if so the article shows it was taken from another newspaper of general and daily circulation. Therein is disclosed a history of the prosecution of a priest named Thompson, under the same statute these men are placed on trial under, to answer to the disgusting charge of degrading and defiling the mails in a manner that makes one sick at heart to think about.

I want to ask you, gentlemen, if a man in high official position, a priest of a church, who is intrusted to look after the morals of the country and his people—I want to ask you, if that man was guilty of that conduct, which for the purpose of this case you are bound to believe he was, is not every citizen, regardless of his religious affiliations, entitled to know the truth? If such people in this world insist on violating both laws of God and man, in high position, how else, and in what better language, what milder language, could it be phrased, than was used by Father Crowley in his book? Was it that you did not like to hear it? Of course you did not like to hear it read; we don't like to believe it, we don't like to think such things could be possible; we don't like to believe that a human being could become so depraved and especially one high in authority, to stoop to such degrading things. But does it arouse in your minds a lustful desire? No, gentlemen, it is disgusting to you, and you are willing here and now to join hands with not only THE MENACE but of the one and one-half million of its subscribers, as referred to by the government, to help stamp out, by creating public opinion so strong that no man will dare hold such high position, and play such hypocritical part in his life.

So when we see that the object and effect of this article was to give public opinion a chance to publicly and effectually condemn

such practices of shielding priests by the political machinery of the Roman Catholic church, I know you men will say this article is not only free from censure but highly commendable.

COMPARISON AN EFFECTIVE AID

If that kind of literature is obscene, I can call your attention to illustrations that you will find in the book of Genesis. You have all read that book of the Bible. You all know what the language meant in the Thompson article—so you all know what the language meant when the description was made in the Holy Bible of Onan and his brother's wife—

MR. WILSON: (Interrupting) In view of the ruling of the court that other books cannot be introduced, I desire to object to that as a matter of argument.

THE COURT: The court will have to instruct the jury that all readings of this sort are outside of the question, because this book can not be governed or judged by what is contained in any other book.

MR. McNATT: That is true, in a sense Your Honor, but I have never known an argument where it would not be proper to draw illustrations from the Bible.

THE COURT: Proceed.

MR. McNATT: Now, gentlemen, use your own knowledge of readings that you have had. You have a right to do that. You have a right to say whether or not, according to your own ideas, the word of God is obscene as handed down to the human race; but under the court's direction I will not discuss specifically anything along that line. But I will say in this connection, that if you bring into a jury box illiterate men, who have no common understanding of the English language, and unfamiliar with the book of Genesis, then it would be hard to speculate what they might say was obscene. I make this discussion along the lines that you are bound to be governed by your own ideas as to the meaning and the intent and the effect on the mind of a person when the article is read.

Now, gentlemen of the jury, I will give you this illustration, as I believe it will better explain my ideas about this case. Let us take for instance a scientific book, a medical book; that kind of a book may properly come to you through the mails and you may have it in your home as an aid to your family's health. It may have

pictures in it that would be highly obscene if taken alone, and would call forth the condemnation of this jury immediately. But when you take the book as a whole, as the court will tell you you should take these articles in connection with what was given you, as a whole, you will then see that the book's object and its effect is of the highest purpose and most commendable. If I should take that book, cut out one of the pages showing all the parts of the human anatomy, and mail it to you, unexplained, I would expect to be convicted of obscenity and serve my term in prison.

But if I mailed that book to you containing that very page, as a part of that scientific book, that was necessary to understand and to help humanity, then it would not, gentlemen, in my judgment, and I do not believe in the judgment of any man on this jury, be obscene.

OBSCENITY DEPENDS UPON PURPOSE

I am going to give one other illustration. I refer to the ordinary almanac. It might be that in the ordinary almanac, on the first page, a nude picture of a man. If that alone were sent to you through the mails, it would be a violation of this law. But when you find out by turning through the book that the picture was put there for a laudable object, and its effect is to show to you what the signs of the Zodiac mean, and how to find the location of the sign by turning to the proper date in the book, it is highly desirable and necessary, and is not obscene.

I say these are illustrations to show why the court said to the District Attorney, "You can not read certain excerpts and extracts from a piece of literature without letting the jury have it all to see what effect it will have upon their minds."

Now, gentlemen, let us think about the evils that would overtake us in this busy life should you in this instance say this book and these newspaper articles are obscene. In the first place, men, we have become such a wonderful country, such a busy people, and so enlightened in educational matters, that we rely almost entirely upon the newspapers of the country to inform us what is going on in the land. I want to tell you men, and I believe you will agree with me without the least argument, that if you show the world by your verdict that the priests and ministers of any church, who are in the public eye, who are serving the public, cannot have printed about

them that they are immoral, and their immoral acts and conduct brought to public attention, then virtue will no longer be protected in this country. Public opinion is the only safety against the evils of hypocrisy. We are all too busy to circulate and create public opinion sufficient to stamp out the evils of any organization by passing it from mouth to mouth; and even then, it might be doubted as to its truth. But in a case like this, where the great question is up before the people to help purify the church, if we have no right—if the people are not entitled to know through the columns of the newspapers, the moral standing, the moral conduct of the persons in high position, then I say, men, we as a people are absolutely without remedy; because you men know that public opinion and public exposure is the only punishment for the immorality of our public men. Few penalties are imposed by law for immorality.

PEOPLE HAVE A RIGHT TO KNOWLEDGE

Every man has a right in a general sense to live as immoral as he likes, as long as he does not make a public spectacle of immorality. But don't you think if you were standing at the head of a great church, or if you were running for some great office, or holding some position of trust, it would be right and fair that the people, under whom and through whom you received this honor, should be entitled to know your moral standing and your moral acts and conduct? Why, I say to the distinguished District Attorney, who is now in the public eye, who is serving the public, that he would not deny this proposition and say that the depravity of a public man cannot be discussed in the newspapers.

Take for instance, gentlemen, members of our supreme court. Perhaps there is not a man on this jury who has a personal acquaintance with any of the distinguished, high-minded, moral gentlemen that compose that court.

Suppose that something would come up in the life of one of these men that would unfit him for service from a moral standpoint. How in the name of common sense, men, would you find it out? How would the people of this state ever know? How could they learn the facts except through the columns of the newspapers? If I should tell you of immoral acts and conduct detrimental to the character

families and take this paper in their homes at Aurora would be the first to cry out for relief if this paper was polluting the mails with obscenity.

NOT CRIMINALS, BUT BENEFACTORS

Now, gentlemen, as I told you, I know these defendants well; they are my friends and my neighbors and I want you men to think of the laudable purpose these men have in life; of the inspiring article written by the venerable, gray-haired man, Walker, who has passed, perhaps, the allotted time of most men on this earth. Inspiration came to that man when he wrote that article and that same inspiration has been guiding the destinies of this paper ever since, and when you think of men fighting a cause so just; when you think of the injustice done these men when they have been brought in here branded as felons, it is bound to make you blush to think how badly mistaken the District Attorney and the Grand Jury were when they returned this indictment, although they may have been sincere in their beliefs at the time.

Now, men, I am going to close and give way to my distinguished associate who has been more active in this trial than I, and all I ask you men to do, all these defendants desire of you, is fair play. Follow the testimony, follow the charge of the court in your deliberations; and let the same guiding hand and guiding spirit enter into your thoughts in giving interpretation to these articles as inspired Theodore Walker when he wrote the platform of this paper in its first number. And when you do that we know what the result will be, for it will be your happiest moment to say to these men, "return to your homes; you have done no wrong." Gentlemen, I thank you.



HON. J. I. SHEPPARD

SPEECH OF HON. J. I. SHEPPARD

**Delivered to the Jury at Joplin, Mo., January 14, 1916, In
Defense of The Menace and Its Staff Who Were
Charged With Sending Obscene Matter
Through the United States Mails.**

If the court please, and gentlemen of the jury: I feel that I ought not take your time to further argue this case on the part of the defense, since my associate has made so able a presentation of it. I have never heard a clearer or a better discussion of the issues in a law-suit than Mr. McNatt, has just given you—free from any passion, free from any prejudice, free from any of the things that sometimes inspire lawyers to say things they ought not say—coolly, calmly, deliberately, as a sensible man, he gave you his views of the law and the evidence in this case.

But I think of the seriousness of the matter, and for fear there might be something overlooked somewhere along the line that would result disastrously to our clients, I crave a few moments of your time.

We have been here now three days. I knew none of you when I came. I was a stranger to you. I am a stranger yet, in the ordinary acceptation of that term, but yet I feel as though I had known you all my life. I have looked at you at times when you were not conscious of it—studied the face of ever man on this jury; and I felt certain then, as I feel now, that no harm can come to these defendants, because your faces bespeak honesty and uprightness of purpose.

We have gotten through with this trial without any of the wrangling that sometimes takes place in the trial of cases in court. I was fortunate indeed to have associated with me such a man as John L. McNatt. He has brought to our aid in this trial his pro-

found learning and experience. His deep knowledge of the law has at all times been a source of strength and comfort to me. He is a noble example of the illustrious sons which the great state of Missouri has produced.

We are fortunate, to have on the other side of the case such distinguished gentlemen as the District Attorney and his assistant, men of honor and integrity. I think I may say that no case was ever presented in a better way than has the District Attorney presented this one. Francis M. Wilson has brought out in this case everything that could possibly have been presented to you. He has done his whole duty as his oath of office requires him to do, and if he is called, as it seems from the many reports that have come to me during the last few weeks he will be, to the high office of Governor of this State, I am sure that he will take with him there honesty, dignity, ability, and the noble purpose to do for the State of Missouri what the other eminent men have done who have preceded him in that high place. I know that he wants nothing to interfere with the course of justice here. I have known of him a long while, but this is the first time I was ever associated in any way with him in the trial of a cause. But I say to you, that his treatment of us has been fair and courteous and gentlemanly. I am looking forward with pleasure to what I know will be, after I have concluded, an eloquent and scholarly argument of this case; and you gentlemen are to be congratulated that you will have an opportunity of hearing him.

NO CASE TO BEGIN WITH

And yet, gentlemen, lawyers cannot make cases. There was no case to begin with. When jurors are sworn to return a verdict according to the law and the evidence, they are bound by their conscience to do that which is right, and although lawyers may sway them, although lawyers of great ability may present arguments that seem hard to answer, yet the average juror comes back again to his guide—his conscience. And I say to you, without fear of successful contradiction, that notwithstanding verdicts of juries are sometimes criticised, yet in the vast majority of cases—ninety-nine out of a hundred—the verdicts of juries are right; and that is why the people insist upon retaining the jury system. Twelve men are called from every walk of life to sit in judgment upon the conduct and actions

of their fellow citizens. And when they have determined, the people are satisfied that if they haven't done right, they have at least tried to do so.

You twelve men occupy a peculiar position today. As soon as the arguments are finished and the court has charged you as to the law, you go to your jury room to deliberate upon your verdict. When the door of the jury room closes behind you, and you twelve are left alone, you will have more power than any president, any emperor, any prince, or any potentate in all the world. You have in your keeping the liberty of four men—your fellow citizens. It is for you to say whether these men shall go back to Aurora, cleared of the stain that this charge has brought against them, or whether they shall proceed from here to Leavenworth as felons, sentenced, to pay a fine of five thousand dollars and to serve five years in the penitentiary, on each count that you convict upon. So I say that you have a wonderful power in your hands today. The probabilities are that none of you will ever again be given such power, for men are seldom called to render jury service; some never are called. And so I speak to you of the seriousness of the great responsibility that rests upon you, and I ask you to use your great power as becomes noble men.

In this case, it is urged that we must be confined strictly to the matter set out in the indictment. You noticed what that matter was. Now, I may have misunderstood the court's rulings a moment ago, but I think he will instruct you at the conclusion of this case that you have a right, when you deliberate upon the question of whether this matter is obscene, to call to your consideration, your knowledge of the literature of the world, the Bible, Shakespeare and other standard works, for the purpose of determining the effect that that literature has had upon the world, and for the purpose of determining what effect this particular literature will have upon the world. I say, I am convinced the court will give you that instruction. It has been requested.

GARBLED PASSAGES

You have read in Holy Writ—and didn't your fathers and mothers before you, as mine did—read things from which, if you take an excerpt such as is sought to be taken in this case, from a

page or a chapter or a paragraph and consider it, standing alone, would not sound well to ears polite.

MR. WILSON: Just a moment. Now, if the court please, I very much regret to interrupt my friend, but under the rulings of this court, I do not understand that he is permitted to argue to the jury that which was expressly excluded by the court. He cannot argue as to excerpts from other books.

MR. SHEPPARD: If your honor please, in the cases that have been decided, Your Honor knows that attorneys have been allowed to read and to quote from books of standard literature, not for the purpose of comparison, but, as was said by Judge Thayer in the case I handed to Your Honor—in the Clark case, that it could be done for the purpose of assisting the jury in determining what effect such literature had had upon the people, and so it could be taken into consideration for the purpose of determining what effect the particular literature alleged in the indictment to be obscene, might have upon the people; and I insist, if Your Honor please, that it is the right of the defense to continue the argument along the line indicated in the decisions I have referred to.

THE COURT: The court will instruct the jury with respect to its view of the matter, in consideration of counsel's agreement to hold himself within the reasonable observations of the rules requiring the introduction of evidence.

MR. SHEPPARD: I shall do so, if Your Honor please.

Gentlemen, I need but call your attention to two of the great books of the world and the literature contained in them. I will speak only of the Holy Bible and Shakespeare. These two books are in every man's library. If the rule were enforced that is sought to be enforced by the government here, neither the Holy Bible nor Shakespeare would be allowed passage through the mails of the country. Why, gentlemen, the language charged as obscene in the indictment in this case, compared with some passages in the Bible and some in Shakespeare are the very essence of all that is chaste and seemly. The story of Onan, the son of Judah; the story of the rape of Tamer by Amnon and his death at the hands of Tamer's brother, Absalom; the story of King David and Uriah's wife; many parts of the play of Romeo and Juliet, and other of the great plays of Shakespeare might easily be tortured by the prude or the "unco-guid" into seeming obscenity—if, wrenched from their context, they

were coldly considered alone. But the rule, gentlemen, as the court will tell you, by which you are to consider whether or not the language charged in the indictment is obscene is this: does the alleged obscene matter taken in connection with its context have a tendency to debase and corrupt the minds of those into whose hands it may come.

THE MENACE CONSISTENT

Now, gentlemen, in the opening statement I told you that we would read the first article in the first issue of *THE MENACE* to show you the object and purpose these gentlemen had in establishing the paper. I kept that pledge, and I read you that article today, and you remember it now. In that article, as you remember, Rev. Walker said:

"*THE MENACE* was not begun in a captious spirit, far from it, but with a profound conviction that a very grave and portentous menace confronts the American people, that needs to be given publicity.

"*THE MENACE* has no fight with the Roman religion for those who like it, as it relates to salvation and the future life.

"The threatening danger to American institutions, a free church, a free press, a free school, the right of private judgment in the matter of conscience—these the Roman church subordinate to the authority of its hierarchy.

"The private, humble communicant in the Catholic church has no choice what he is to believe—it is for him to obey the voice of the church.

"*THE MENACE* takes issue with this voice, and not with the communicant; with the authorities that direct, and not the man or woman who feels compelled to obey.

"*THE MENACE*, therefore enters a legitimate field of criticism open to all whether he be Catholic, Protestant, Greek or Jew, Mohammedan or Freethinker.

"If the Catholic church is a menace to American liberty and free institutions, the people ought to know it, especially the Catholic members.

"The only freedom that is worth having at all is that which

the Christ announced when he said, 'and the truth shall make you free.'

"It is not a question of who utters condemnation against priestcraft and ecclesiastical interference in things belonging exclusively to the state; but, is the charge true?"

"To assail the editor of THE MENACE or its publishers will avail nothing. The hierarchy must meet the impending crisis which THE MENACE believes is at hand or be driven from the field as in France, Germany, Spain and every great nation of modern times."

This was the chart which guided these defendants at the time they launched THE MENACE, and the same high and noble purposes have ever since inspired them.

ROME THE REAL PROSECUTOR

And who is the real prosecutor in this case? Ostensibly it is the United States government, but in reality it is the Roman Catholic Hierarchy.

The only persons who testify to receiving the alleged objectionable copies of THE MENACE through the mails are Landry Harwood, a lawyer of Kansas City, Missouri, and head of the Knights of Columbus in Missouri, and E. V. Schneiderhahn, a lawyer and prominent Knight of Columbus of St. Louis, Missouri. The only person who testifies to receiving a copy of the Crowley book through the mails is Miss Wilson, a Roman Catholic of St. Louis, Missouri. Miss Wilson it seems is also stenographer for Paul Bakewell, another St. Louis lawyer and a high light in the Roman political machine. It is this same Bakewell who claims credit for having procured the indictment in this case.

According to Harwood, these Roman Catholic lawyers took THE MENACE and carefully read it to find if possible some means of excluding it from the mails, or of having its editors indicted. We find Schneiderhahn, Bakewell and another Roman Catholic lawyer of St. Louis, Judge O'Neil Ryan, meeting at Bakewell's office trying to devise means for ending the career of THE MENACE and imprisoning its editors.

And just to think, gentlemen, of the infinite pains these Roman Catholic politicians took in trying to protect heretics from

being polluted and contaminated by reading **THE MENACE** and Crowley's book.

Ah, gentlemen, their solicitude was not so much as you may well believe for the moral welfare of the people as it was to prevent just criticism of those in authority in the Roman Catholic church.

The postmaster at Aurora has testified before you that millions and millions of copies of **THE MENACE** have gone through the mails in the four years of its existence, and yet these distinguished Roman Catholic lawyers—members of the papal machine—together with the government inspectors and detectives were able to find only six articles, which they thought worthy of presenting to a grand jury. I say to you that they strained at something to get into court. Haven't they done so indeed gentlemen?

Remember, I am not blaming the District Attorney. He has done his duty. When a lawyer takes official position, he must obey the oath of office he takes. He must follow instructions from superiors. The testimony here is that this man Bakewell got two of the books; his stenographer delivered them to him; she ordered them at his direction and paid for them with his money. He kept one book and he had her send the other on to the Postmaster-General, stating, as the testimony shows, to the Postmaster-General in a letter that he wrote him that he was sending a copy of this book, properly initialed so he could identify it—that he was also sending him a copy of **THE MENACE**, stating that if he could put **THE MENACE** out of the mails to pass it up to the Attorney-General to have them prosecuted. That is the testimony here. Those books, or that book that Paul Bakewell got in his hands appears here. It appears here, and upon it the indictment in the seventh count is based. Upon the papers that Landry Harwood received and the papers that Schneiderhahn received, the other six counts in the indictment are based. And then you tell me that we haven't shown the hand of Rome? How could it be more plainly shown? *Yes, gentlemen, Rome is the real prosecutor of these defendants.*

THE CROWLEY BOOK

These Roman Catholic gentlemen who are responsible for this prosecution made a great and serious mistake. I believe they must realize it now. What they should want to do, it seems to me, would be to ascertain whether or not the things charged in **THE MENACE**

and in Crowley's book are true. Why, gentlemen, only a small portion of the Crowley book has been admitted in evidence but you remember that therein it is charged among other things, that by reason of the foul, filthy and vile suggestions that are poured into the ears of innocent women and girls in the confessional by Catholic priests, thousands of Catholic women and girls finally take to the street and wind up in the jails or in the grave as debauched and ruined women. It is charged that a majority of all the prostitutes in the world are recruited from Catholic womanhood and girlhood by reason of the foul suggestions and filthy questions which are asked in the confessional by Catholic priests. It is also charged that vast numbers of Protestant girls who attend convent schools are debauched and ruined by Catholic priests and that these priests boast of the ease with which they can ruin Protestant girls.

If these things are true, then instead of trying to suppress their publication by prosecution, these men who are back of the prosecution in this case and all others who belong to the same organization should want the facts known and then should make it impossible, if they find them to be true, for such conditions longer to exist.

INSINCERITY OF PERSECUTORS

It just happens that my brother, the District Attorney, and I both belong to the Methodist church and the Masonic Fraternity. Suppose that such charges as are made in the Crowley book and in THE MENACE against the Roman Catholic priests and the Catholic politicians were made by someone in a newspaper or a book against the Methodist church or the Masonic Fraternity. What would Mr. Francis Wilson do and what would I do? What would be his duty as an American citizen? And what would be my duty as an American citizen under such circumstances? Would we carefully keep files of the paper and in a round-about way secure copies of the book in which such charges were made? Would we wait for years to find some small excerpt in such papers or books upon which we might possibly base a prosecution against the author and publisher? As for myself, I would not do such a thing and I am sure Mr. Wilson would feel as I do about it. I am sure that we would go at once to the leaders of the Methodist church organization and to the leaders of the Masonic Fraternity and give them our information and demand an investigation of the charges. If they were found to be

true, means would be taken to correct them and instead of prosecuting those who had given the information, I am sure that good men would approve their conduct and honor them for making the exposure. There would have been no appeal by us to the Postmaster-General or to the Department of Justice, unless we found first that the charges were false. So I say to these men (turning and directing his remarks to Landry Harwood and Paul Bakewell who sat within the rail) correct these conditions. Clean house! Clean house! and then the people can't talk about you. You ought not bring prosecution against these men. If these things are true, nobody, as Rev. Walker has well said, ought to want to know it more than you Roman Catholics yourselves. If it is true, as Jeremiah J. Crowley says, that the Roman Catholic church is a great grafting machine, why in the name of God don't the Roman Catholic people reform it?

LET THE TRUTH BE KNOWN

I say the proper thing to do is to correct these conditions. What did Mr. Walker say? He said that if these things are true, the people should know them. That is what THE MENACE has always contended. That is what Jeremiah J. Crowley contends. This great man is making a heroic fight for the people of this country and the people love him for it. I remember some things that he said to me when I first met him that better describes his character than anything I can tell you. When I asked him about his work, he said, "Mr. Sheppard, by the grace of God, I have abandoned Popery for Christianity; I have exchanged the Mass book for the Bible; I have quit the standard of the Pope and have enrolled myself under the banner of Jesus Christ. I have but one ambition in life, and that is the ambition that nerved Savonarola to die and made Martin Luther live."

Jeremiah J. Crowley, the man who was for twenty-one years a priest, and the man who wrote this book, portions of which have been introduced here, is a public benefactor. The time is right here when the people of America are going to know what is in this book, not portions of it but all of it. I was born in the South and I can remember a great cause that years ago agitated the people of this nation. My people, and all the people in our part of the country, stood for the decisions of the courts of law that said that a human

being, fleeing for liberty, could be captured and taken back and delivered over to another human being, and the man who did not capture him and deliver him up was also held a criminal. I remember that during that agitation, as you men well remember, William Lloyd Garrison was dragged by the neck with a rope through the streets of Boston, because he advocated in his newspaper the abolition of slavery. The Fugitive Slave Law and all the decisions based upon it were wiped out by the will of the people as expressed in armed conflict. If the time comes when men, legitimately engaged in publishing newspapers and in writing books, cannot publish them for fear of prosecution and imprisonment, and cannot tell the truth about any organization, then again the people will re-write the laws; then the people will assert themselves, and if necessary wipe out such infamous laws with their blood. And I want to serve notice now on those people who, in violation of the spirit of THE MENACE article in which it was said, "you cannot rule by force, you cannot refute criticism by violence,"—I want to tell them that there is a limit to the endurance of the American people. No organization that is dealing fairly and squarely, and is upright and just, need fear criticism. You know that the one thing evil hates is publicity. The newspaper is the greatest means of renovating the morals of the nation. *These defendants have spoken plainly but they have spoken the truth.*

READING SHOULD BE ENCOURAGED

Everyone recognizes that advancement will be best promoted by increasing the army of those who read.

Ignorance and superstition vanish before enlightenment.

The printed book and the newspaper are the instruments that will bring about this transformation.

What humanity requires is the light. It gets light by reading.

Thus we see the importance of the free press everywhere for everybody.

When the people read, then the people will know, and such practices as are described in THE MENACE and in Crowley's book, it will no longer be possible for any organization to countenance.

Fifteen million Bibles of the King James Version are printed

and distributed every year among the people of the earth. These are bringing light and Christianity to the masses of the people.

If those who instigated this prosecution could have their way, every Bible in the world would be burned and the people kept in ignorance.

You remember, do you not, the story of how Benjamin Franklin's father's family did in England in order to preserve their Bible. You remember that the Roman Catholic church decreed, that all Bibles, other than the Catholic Bible, should be destroyed and even these were not allowed to be generally read. Franklin had a Bible, and in order to keep it from being destroyed, they secreted it in a jointed stool. That is, the Bible was placed open under the cover of the stool, and when the old gentleman desired to read to the family, he would turn the cover of the stool back and read from the Bible, while some member of the family stood at the door to watch and see if an officer was coming and warn the family so they could cover the Bible up again.

Those who are instigating this prosecution, would have us return to those days, and return to them we will, if the Roman Catholic Hierarchy can secure the conviction and punishment of these defendants and others like them.

If it comes to pass that these iniquities, which THE MENACE in its columns uncovers, and the gross abuses and abominations, which Father Crowley speaks of in his book, cannot be told to the people in print, without fear of prosecution or imprisonment, the rage of the people will burst out in a tornado, and there will be no peace until these emissaries of a foreign power are compelled to conform themselves and their practices to law and order.

Prosecutions like this are but the beginning of the storm that will bring down about their ears the wrath of an outraged people.

SUPPRESSION NO REMEDY

Do you believe that the charge made here that drunken, lecherous priests seduce Protestant girls that are confided to the Sisters and taken into these schools—do you believe that such a charge as this could last for an hour against Methodist, Baptist or Christian ministers without an investigation? Would Protestants rush out and try to suppress the paper? Wouldn't they want to save the girls—

the morals of these young girls? Wouldn't they want to do that? Wouldn't they be the very ones that would come down here and say to these defendants, "Show us the proof of these things"? Wouldn't they go to Jeremiah J. Crowley and say, "Show us the truth of these things? If you have proof, we want it. We are Christian people, and we want these abuses corrected, and the guilty punished." That is the way this matter should be determined.

Is it possible that such things as *THE MENACE* charges, and such things as Jeremiah J. Crowley describes in his book, exist right in our vicinity, and in other parts of the country, and no one dare publish the fact, for fear of imprisonment and fine?

Is it true that threats of death shall deter honest, brave men from calling the attention of their fellow-citizens to this danger, which lurks in our very midst? If so, then God give us a race of brave men, men like these defendants, who are not afraid of the disgrace and torture of prison, men who are not afraid to face death for a good cause.

If it is true, as Father Crowley charges in his book, laid before you here, that the majority of all prostitutes come from the Catholic girls and women who have been polluted by the priestly confessors, is it not time that the world knows these things, so that people can be shamed out of going to confessional? If it is true, as Father Crowley charges in his book, laid before you here, that nuns go about soliciting Protestant girls as students in the nunneries and the convent schools, and that then they are debauched and corrupted by priests who are in charge of these nunneries and schools; and if it is true that these priests boast of the ease in which they can seduce Protestant girls in these schools, ought not the world know it? Ought not the people have some knowledge of this so they can take some means to stop such vile streams of corruption? If these charges are not true, what is the remedy which the Roman Catholic church should seek? Surely it is not having the government prosecute for sending obscene matter through the mails; surely it is not in mobbing and killing speakers and writers as they did murder Rev. William Black at Marshall, Texas. This kind of conduct does not come well from an organization that claims to be divinely ordained of God. It is hardly a seemly thing to see Christian gentlemen, followers of Christ, threatening, boycotting, beating and mur-

dering men because these men make charges against those in control of Christ's church.

THE RIGHT WAY

There is a way to remedy these things in a lawful and proper manner, and everyone will say, Amen, to such action. These charges are too serious to be met and stifled by mob violence or prosecution. It requires some other means to stop this cloud of criticism.

These defendants are not the foul, filthy men you see sometimes in court. I think probably you were here at the time when one poor, unfortunate man came into court and pleaded guilty to sending obscene matter through the mails in a letter to a woman. We are tried under the same statute, and it seems that the District Attorney wants to apply the same rule to these gentlemen that was applied to him.

But you men won't give a verdict of that kind. I am confident of it. You are here representing not only the people of this district; you represent all the people of the nation, all the people of America. By your verdict you can say to these people who inspired this prosecution, "Go back home and read the files of *THE MENACE* you have got, and tear out of them all things that are charged against you, paste them all in a book, get them all together, and then go and round up these men. Find the men who are doing the foul things that Crowley tells of in his book and that *THE MENACE* tells of and bring them to justice, or prove that the charges are not true." A charge of that kind, made that women are ruined by the thousands, both Catholic and Protestant women! And yet the only answer to it is to try to send Marvin Brown, and Bruce M. Phelps and Wilbur Phelps and Reverend Walker to prison. Is that all the answer there is to it? No, no. Twelve men of Missouri will give them a different answer. You will say to them: "Gentlemen, if you can't stand criticism, get out of business." That is what you will say. "Clean up! Clean house! and then nobody can criticize you." That is what the verdict of this jury will be.

The great educational factor of the world is the public press of the country and it must be kept free. According to the testimony, 1,500,000 copies of this paper go through the mails each week and yet no one believes that it contains obscene or indecent matter except a few Roman Catholics. These Roman Catholics have been watching its columns for years to find something upon which they

could get the paper denied the privilege of the mails or get its editors imprisoned in the penitentiary. Gentlemen, fair play would dictate that you should not tolerate any such conduct as that. Why should the Roman Catholics cry out that these defendants are trying to stir up religious prejudice? Do you call such things as Father Crowley refers to in his book religion? If so, then God deliver us from such religion.

CONTINUATION OF THE INQUISITION

You will keep in mind, gentlemen, the fact that most of the articles, from which little excerpts have been taken upon which to indict the defendants, were first published in other newspapers in full. One of the articles was published in *The Rocky Mountain News* of Denver, Colorado. Another in the Portland, Oregon, *Daily News*. I haven't heard of any Knight of Columbus tearing his hair because these papers published the same foul charges against priests. These defendants re-published the articles in order to call the attention of the people of America to these evils and to show that our free institutions are in danger. If the defendants are to be punished for this then, soon we shall be back to the time of the Inquisition when, under the direction of the Roman Catholic Hierarchy, men's fingers and arms were pulled off and other tortures inflicted upon them because they did not pray as the Roman Catholic church said they should pray. But they cannot do that kind of a thing in this country. This nation was founded upon the right of every man to worship according to the dictates of his own conscience. In our government Church and State are to be forever separated. The Roman Catholic Hierarchy shall not control this government, shall not subject a free press and the right of every man and woman to worship God according to the dictates of their own conscience to the censorship of Roman Catholic priests. Never will any priest be able to tell the people of this nation how they shall pray, or that they shall pray at all, if they do not want to. That time, thank God, will never come. The people of the United States will not stand for it. They may mob or occasionally kill a man, but they cannot suppress free speech and free press; and they cannot answer argument with force. The court will instruct you gentlemen that the test of obscenity is whether the matter alleged to be obscene tends to corrupt

the morals or deprave the minds of those into whose hands it may come that are susceptible to such influence.

UPLIFTING RATHER THAN DEBASING

As my associate has well said, the charges that are made in THE MENACE and in this book have not the tendency to deprave but on the contrary, they tend to uplift mankind—to make men and women better—to make them hate and despise lechery and pollution. It tends to make better citizens. It tends to make them love their country better—it tends to make the people patriotic.

If they can shut this book of Crowley's out of the mails, they can also shut out that old book (putting his hand upon the Bible which lay upon the table), which has been the comfort of the people of all the world since it was written. If they can shut the one out of the mails, they can shut the other out. I did want to read to you some passages from this book, but I am limited in my time for argument and so will refrain from doing so. I sent my daughter, Mary, a copy of the Bible last Christmas when she was away at school. This I sent through the mails. Suppose that Landry Harwood had found out I purchased that Bible and sent it through the mails? And suppose he had gone to the District Attorney—not Francis Wilson, for he would not have countenanced such a thing—but suppose he had gone to a District Attorney who was a Knight of Columbus and said, "This man Sheppard has sent to his daughter through the mails a copy of the King James edition of the Bible and it contains some language that if taken alone and separated from its context, will appear obscene and we can try him and send him to the penitentiary"; and suppose they had procured an indictment against me and brought me for trial before a jury? Would the court have allowed it to proceed? Would not the jury have promptly decided the contention in my favor?

Father Crowley is calling attention to these foul things which he says are taking place. Is his book to be denied the mails? Is the paper that these men are publishing to be denied the mails because in a few instances in four years after scanning several million copies the Knights of Columbus can find a few sentences that, if standing alone, they claim offends against the law? Ah! gentlemen, let me tell you. *Millions of copies of this paper circulate each year and will continue to do so, and it is going to take more than the*

Knights of Columbus and all the other Roman Catholics to stop it.

PROSECUTION A MATTER OF PREJUDICE

You gentlemen have a serious duty to perform. You must uphold the laws of your country but remember the laws are made to punish the guilty and not the innocent. You should be loyal to your country; you should love our country as you do life itself. But remember that these defendants are not felons but benefactors of the race. They have consecrated their lives to the protection of American institutions against the intrigues of Papal Rome. I know you will not say that these defendants are guilty of filth and villainess. I know that you will say what they have done is highly moral and patriotic. They have been hounded and harassed for a long time by the enemies of liberty and finally they have been dragged into court. These same enemies of the people's liberties have tried to suppress Father Crowley's book and *THE MENACE* when the book and the paper was merely telling the truth. An attempt has been made to cast infamy upon these honest men, the defendants, because they have tried to do that which their conscience told them was in the best interest of all the people of this nation. This prosecution was actuated by religious prejudice and not by a sincere desire to preserve and protect the morals of the people. Gentlemen of the jury, your names will go down in history as the twelve men who found a verdict of not guilty when four of their fellow citizens were charged with publishing obscene, lewd, lascivious and filthy matter in their paper when they were only attacking and telling the truth about the Roman Catholic Hierarchy and the politicians of that church. The time will come when your descendants will be proud to say, "Our ancestor was a member of the jury at Joplin that tried *THE MENACE* editors."

The time allotted me for argument has expired. To conclude, I desire to thank you gentlemen for the patience which you have shown and for the good attention you have given throughout this trial.

In the name of the untold thousands who were put to death during the Spanish Inquisition; in the name of the thousands of innocent people who died on St. Bartholemew's Day in France; in the name of the men and women in the United States who have been persecuted, boycotted, threatened and driven to distraction; in the

name of the patriotic speakers who have been mobbed and beaten; and in the name of the Rev. William Black who was murdered at Marshall, Texas, on the third day of February, 1915, I ask you by your verdict to remove the ban from Father Crowley's book, and let it be freely distributed throughout the country, in the homes of the people, who want to know the truth; I ask in the name of Freedom and Justice, that you say by your verdict to each of these four gentlemen, "Go back to your home and your family, and continue to use your ability and your printing press, to rouse the people of this nation to the great dangers which threaten it from Papal Rome"; and, last of all, I ask you to fearlessly write in your verdict the condemnation of the system which these defendants are so nobly fighting, so that it may be read by liberty-loving people for all time to come.



Modern Catholic Church

2

THE CHURCH AND SOCIAL ORDER

General

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THE CHURCH AND SOCIAL ORDER

**A Reiteration of the Church's Teaching on Ownership,
Property, Labor, Security, Wages and
Establishment of Social Order**

*By the Archbishops and Bishops of the Administrative
Board of the National Catholic Welfare Conference*

WITH DISCUSSION CLUB OUTLINE

BY

REV. GERALD C. TREACY, S.J.

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NOTE

The page citations throughout the following text, unless otherwise indicated, are from the Encyclical, *Quadragesimo Anno*, by Pope Pius XI, The Paulist Press edition.

Reference to the text of "The Five Great Encyclicals," The Paulist Press, is facilitated by additional citations, preceded by asterisks.

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The Church and Social Order

*By the Archbishops and Bishops of the Administrative
Board of the National Catholic Welfare Conference*

A Reiteration of the Church's Teaching on Ownership, Property, Labor, Security, Wages and Establishment of Social Order

INTRODUCTION

1. With sublime pathos Pope Pius XII in his first encyclical letter pleads with the people of the world to turn from the destructive ways of hatred and conflict to the healing ways of charity and peace. He reminds a forgetful world of the universality of divine love; he reconsecrates the whole human family to the Sacred Heart of the Divine Redeemer; and, summoning men to return to Christ, he re-echoes the entreaty raised so often by his predecessors: "Behold your King" (John xix. 14).

2. To re-enthroned Christ in the minds and hearts of men; to re-establish His kingship in human society; to impregnate the laws and institutions, the aspirations and final purposes of all nations with His spirit, is the supreme hope and purpose of Our Holy Father.

3. "Perhaps—God grant it—one may hope," with Pope Pius XII, "that this hour of direct need may bring a change of outlook and sentiment to those many who, till now, have walked with blind faith along the path of popular modern errors unconscious of the treacherous and insecure ground on which they trod. Perhaps the many who have not grasped the importance of the educational and pastoral mission of the Church will now understand better her warnings, scouted in the false security of the past. No defense of Christianity could be more effective than the present straits. From the immense vortex of error and anti-Christian movements there has come forth a crop of such poign-

ant disasters as to constitute a condemnation surpassing in its conclusiveness any merely theoretical refutation.”¹

4. With all our hearts we thank him for his guidance and with such strength as we possess we emulate his example. We reaffirm the primacy of our Lord Jesus Christ, “Who is the image of the invisible God, the first-born of every creature: For in Him were all things created in heaven and on earth, visible and invisible. . . . And He is before all, and by Him all things consist. . . . Because in Him it hath well pleased the Father, that all fullness should dwell” (Col. i. 15-19).

5. The peace which all right-minded men so earnestly desire, must be based upon a comprehensive program of restoring Christ to His true and proper place in human society. We must bring God back into government; we must bring God back into education; we must bring God back into economic life; we must bring God back indeed into all life; private and public, individual and social. The truth of God, the law of God, the justice, mercy and charity of God, must, by conscious effort and willing submission, be made to permeate all our social intercourse and all our public relations.

6. In the midst of human society, God has set His Church as “the pillar and ground of truth.” To the Church Christ has given the divine mission to teach all things whatsoever He has commanded. The divine mandate permits no curtailment of the law no matter how diverse the circumstances and conditions under which man lives and works, nor any compromise with the full measure of its application to human conduct. The obligation comprehends the actions of man in his private and public life as an individual and as a member of human society.

7. Man is not an isolated individual living in a social vacuum, but a social being destined to live and work out his salvation in association with his fellow beings. He is a member of a community and he has, in consequence, duties of commutative justice and duties of social justice and duties of charity which emerge from this relationship. On no other foundation can man build a right social order or create that good society which is desired so ardently by the great mass of mankind.

¹ *Summi Pontificatus*, The Paulist Press Edition, pp. 7, 8.

Church's Right as Teacher of Moral Law Reaffirmed

8. Inasmuch as the right and duty of the Church to teach the fullness of the moral law and in particular "to deal authoritatively with social and economic problems"² are challenged in some quarters or are too frequently misunderstood in others, we judge it wise and opportune to reaffirm the jurisdiction of the Church as the teacher of the entire moral law and more particularly as it applies to man's economic and social conduct in business, industry and trade. To make our pronouncements authentic and to interpret truly the mind of the Church, we follow closely the teachings of our late lamented Pontiff, Pope Pius XI.

9. First, let it be made clear that the Church is concerned only with the moral aspects of trade and industry and does not enter the field of business in matters that are purely material or technical. The Church is not concerned with the accuracy of economic surveys or the resultant data, nor with the problems of scientific organization, production, cost-accounting, transportation, marketing and a multitude of similar activities. To pass judgment on their aptitude and merits is a technical problem proper to economic science and business administration. For such the Church has neither the equipment nor the authorization. We frankly declare that it would be unwise on her part to discuss their operation except insofar as a moral interest might be involved (p. 12—*p. 136).

10. The Church does not prescribe any particular form of technical economic organization of society just as she does not prescribe any particular political organization of the State.³ Pius XI makes this clear in his encyclical letter *Quadragesimo Anno* where he states: "It is hardly necessary to note that what Leo XIII taught concerning the form of political government can, in due measure, be applied also to vocational groups. Here, too, men may choose whatever form they please, providing that both justice and the common good be taken into account" (p. 25—*p. 149).

11. From the Sacred Scripture we learn that "the earth is the Lord's and the fullness thereof" (Psalm xxiii. 1). No absolute or

² All quotations, unless other noted, are from *Quadragesimo Anno*, Pope Pius XI. The Paulist Press Edition.

³ "Atheistic Communism," p. 13, par. 32, The Paulist Press Edition.

unlimited ownership therefore can be claimed by man as if he were free to follow his own selfish interests without regard to the necessity of others. The moral law teaches that he has indeed a right to private property but, as Pope Leo XIII points out, "the earth, even though divided among private owners, ceases not thereby to administer to the needs of all."⁴

12. Man is truly the steward of his possessions in the sight of God and has therefore definite responsibilities both of justice and charity toward his fellow man with respect to the use he makes of his property.

Man Has Inalienable Rights Bestowed on Him by the Creator

13. From divine revelation we learn that physical labor was decreed by God even after the fall of man for the good of body and soul (p. 39—*p. 163). The laborer is worthy of his hire. If, however, human labor is treated as a mere commodity to be bought and sold in the open market at the lowest price, then it ceases to fulfill its proper function in society. What a sad perversion of the wholesome plan of Divine Providence that "dead matter leaves the factory ennobled and transformed, where men are corrupted and degraded" (p. 39—*pp. 162, 163).

14. From divine revelation we learn moreover that each human being has an infinitely precious personality. Pius XI in his encyclical *Divini Redemptoris* sets forth this truth with clarity, force and beauty:

"Man has a spiritual and immortal soul. He is a person, marvelously endowed by his Creator with gifts of body and mind. He is a true 'microcosm,' as the ancients said, a world in miniature, with a value far surpassing that of the vast inanimate cosmos. God alone is his last end in this life and in the next. By sanctifying grace he is raised to the dignity of a son of God, and incorporated into the Kingdom of God in the Mystical Body of Christ. In consequence he has been endowed by God with many and varied prerogatives; the right to life, to bodily integrity, to the necessary means of existence; the right to tend towards his ultimate goal in the path marked out for him by God; the right

⁴ *Rerum Novarum*, p. 7, The Paulist Press Edition.

of association and the right to possess and use property" (p. 11—*pp. 186, 187).

Man cannot in consequence be treated as a mere chattel but rather with dignity and respect as a child of God. His labor is not a thing to be ashamed of, but an honorable calling, whereby he achieves a necessary livelihood and fulfills the divine plan of an earthly economy.

15. Because these are moral principles and spiritual truths, jurisdiction in expounding their full scope and obligation belongs to the Church which Christ established as the teacher of men in this world. We in our capacity as shepherds of the flock of Christ cannot be unmindful of our duties in these matters. "Take heed to yourselves," says the Apostle, "and to the whole flock, wherein the Holy Ghost hath placed you bishops, to rule the Church of God" (Acts xx. 28).

16. It is an unfortunate fact that large numbers of workingmen have become alienated from religion. This is true even of Catholics in some of the older countries. In the words of the Supreme Pontiff it has become the great scandal of the modern world. No matter how we explain the defection, the fact remains that Christian truth and principles of conduct have become greatly obscured "so that we are confronted with a world which in large measure has almost fallen back into paganism" (p. 42—*p. 166).

17. To bring back those who have suffered loss of faith and with it the loss even of earthly hope and charity, it is necessary to re-establish the sound principles of Christian social teaching. To make our progress sure and effective we must recruit and train leaders from within the various ranks of society who know the mentality and aspirations of their respective classes and who with kindly fraternal charity will be able to win both their minds and their hearts. "Undoubtedly," as Pius XI says, "the first and immediate apostles of the workingmen must themselves be workingmen, while the apostles of the industrial and commercial world should themselves be employers and merchants. It is your chief duty, Venerable Brethren, and that of your clergy, to seek diligently, to select prudently and train fittingly these lay apostles, amongst workingmen and amongst employers" (p. 42—*p. 166).

18. In existing circumstances the obligation of the Church is manifest. Who can deny the close relationship between economic injustice and a long train of evils, physical, social and moral? Unfair wages due to a greed for excessive profits and insecurity due to false and immoral economic principles lead directly to undernourishment, bad housing, inadequate clothing, and indirectly to irregular family relations, child delinquency and crime. Excessively long hours of work in some industrial areas and in some industrial processes create dangers to life and limb, impair the health of workingmen, and impoverish whole families through infection, disease and premature death. Because human beings and not animated machines toil in industry, therefore the Church cannot abdicate her right and duty to speak out in defense of the rights of human personality nor fail to declare uncompromisingly the moral obligations of industrial and economic life.

19. Today most controversy concerns itself with these questions: (1) Ownership, (2) Property and Labor, (3) Security, (4) Wages, (5) Establishment of Social Order. We shall here present the Catholic doctrine regulating these matters and in doing so we shall follow the exposition given by our late chief pastor of souls, Pope Pius XI, in his celebrated encyclicals.

I. OWNERSHIP

20. The Church has always defended the right to own private property and also to bequeath and to inherit it. We have vindicated this right even to the point of being falsely accused of favoring the rich against the poor. The Church teaches that the right to own property is based on the natural law of which God Himself is the author. By the law of nature man must provide for himself and his family and he can fully discharge this obligation only if there exists an established system of private ownership (p. 13—*p. 137).

21. It is essential to remember that ownership has a twofold aspect, the one affecting the individual, the other affecting society. To deny the individual character and aspect of ownership leads to some form of socialism or collective ownership; to deny the social character or aspect of ownership leads to selfish individualism or that form of exaggerated liberalism which repudi-

ates duties and ends in complete irresponsibility to other persons and to the common good.

22. The two great dangers which society faces in the present state of economic organization are first, the concentration of ownership and control of wealth and secondly, its anonymous character which results from some of the existing business and corporation law, whereby responsibility toward society is greatly impaired if not completely ignored. The civil authority, in view of these dangers, must so regulate the responsibility of property that the burden of providing for the common good be equitably distributed. It must furthermore establish such conditions through legal enactment and administrative policy that wealth itself can be distributed so each individual member of society may surely and justly come into possession of the material goods necessary for his own livelihood. It is not however the government alone which has this responsibility, as will become clear from the further considerations to be noted.

It Is Right of the State to Define Ownership Duty

23. Pope Pius XI states:

"It follows from the twofold character of ownership, which We have termed individual and social, that men must take into account in this matter not only their own advantage but also the common good. To define in detail these duties, when the need occurs and when the natural law does not do so, is the function of the government. Provided that the natural and divine law be observed, the public authority, in view of the common good, may specify more accurately what is licit and what is illicit for property owners in the use of their possessions" (p. 14—*p. 138).

In the application of the principles of social justice, an important instrument, therefore, is governmental authority. As Pius XI asserts, the civil authority has the obligation to adjust "ownership to meet the needs of the public good," and by so doing "it acts not as an enemy, but as the friend of private owners" (p. 14—*p. 138).

II. PROPERTY AND LABOR

24. Manifestly if every man worked either on his own land or with his own tools and in his own business, there would be no labor

problems. Self-employment however is not the characteristic of our present economic organization. With the advent of machine industry and especially with the development of mass production there has developed an intensification of the individualistic spirit, creating new problems for labor.

25. It is freely admitted that modern industry requires considerable concentration of capital, but it is not admitted that concentration of ownership and control is consequently necessary or beneficial to the common good. The concentration of capital, however, with mass employment does create a new and more impersonal relationship between capital and labor. The problem is one of providing equitably for the distribution of income between those who supply capital and those who supply labor.

26. In too many instances an undue portion of the income has been claimed by those who have ownership or control of capital, whilst those on the other hand who have only their labor to invest have been forced to accept working conditions which are unreasonable and wages which are unfair. This condition arises from the fact that labor policies have been dictated by false principles in the interests of the owners or capitalists. Secondly, it arises from the fact that labor frequently has had no voice in the regulation or the adjustment of these problems. Labor can have no effective voice as long as it is unorganized. To protect its rights it must be free to bargain collectively through its own chosen representatives. If labor when unorganized is dissatisfied, the only alternative is to cease work and thus undergo the great hardships which follow unemployment.

27. To remedy the situation, it is necessary to adopt right principles for the distribution of the income of industry. These principles must be both economically sound and morally just. The principle that labor should be compensated to such extent only that it remains physically efficient and capable of reproducing itself in new generations of workingmen, is a vicious principle, devoid of all respect for human dignity and opposed to all sense of social responsibility. It is true that this principle was never widely held in theory, but it has been frequently applied in practice. One such application is found in the policy that labor should be compensated solely according to the principle of supply

and demand. This reduces labor to the position of a commodity and makes the workingman accept the fluctuating price in a labor market irrespective of the needs of himself and family. Neither present sufficiency of income nor security for the future play a part in determining his wage standard according to this immoral theory and practice. Such theory or practice is anti-social and anti-Christian, for it denies both social responsibility and the claims of Christian ethics and in their place substitutes the principles of selfishness and force.

Domination Equally Wrong for Employer or Employee

28. New developments in the organization of labor under the great impetus which has been given by recent legislation and governmental policy, make it opportune to point out that the principle of force and domination is equally wrong if exercised by labor under certain conditions by means of a monopoly-control. To defend in principle or to adopt in practice the theory that the net result belongs to labor and that capital shall receive only sufficient to replace itself is an invasion of the rights of property. This is only a more subtle form of the contention that all means of production should be socialized. Clearly all such proposals disregard the contribution which the owner of property makes in the process of production and are palpably unjust.

It is not however the excessive claims of labor on the income from industry which constitute the most immediate problem in labor relations today, but rather the abuse of power which not infrequently results in violence, riot and disorder. Employers at times abuse their economic power by discriminating unfairly against unions, by establishing lock-outs, by importing from outside the community strike breakers who are furnished with arms, and by provoking in other ways ill feeling which precipitates violent disorder. Employees on their part allow themselves at times to be misled by men of evil principles so as to engage in the criminal use of violence both against persons and property. Leo XIII in his encyclical *Rerum Novarum* spares neither group in his denunciation of such immoral conduct. He calls upon the public authority to protect and defend vigorously the rights of

all, forestalling preferably the rise of disorder by eliminating the economic abuse from which this disorder springs (pp. 12-24—*pp. 8-19).

29. False principles generate false policies and as a consequence there grows and develops a false economic system which sins both against the true interests of human society and against the true principles of Christian morality. Pius XI insists that owners and employers may not hire working people exclusively for their own benefit and profit, nor divert all economic life to their own will, but must guard social justice, the human dignity of labor, the social nature of economic life and the interests of the common good (pp. 28, 29—*p. 152).

30. The far-reaching need of social justice and its demands are seen from the following words of the Sovereign Pontiff Pope Pius XI:

“Now, not every kind of distribution of wealth and property amongst men is such that it can at all, and still less can adequately, attain the end intended by God. Wealth, therefore, which is constantly being augmented by social and economic progress, must be so distributed amongst the various individuals and classes of society that the common good of all, of which Leo XIII spoke, be thereby promoted. In other words, the good of the whole community must be safeguarded” (p. 17—*p. 141).

Private Property Is Basis of Present Economic Order

III. SECURITY

31. Our present economic order rests upon the sanctity of private property. Private property however is not well distributed at present among the members of human society. Whilst it is dangerous to exaggerate the disproportion between those who possess adequate property and those who constitute the proletariat or the propertyless, nevertheless, it is certainly within the bounds of truth to state that the existing situation constitutes a grave social evil. Private property in the judgment of many thoughtful men tends to become less and less the characteristic note of our present society. If the majority of our citizens possess insufficient private property to be independent of a wage income

for even a short period of time, then there is grave danger to the entire social fabric. Social stability rests upon this basis of individual ownership of property. There should be more of it and not less of it, if our existing economic system is to remain secure.

32. The lack of sufficient private property leads to various forms of insecurity. This insecurity not only leads to the creation of a strong social tension expressing itself in social disorder, but is also contrary to the prescriptions of Christian morality. There can be no question but that in our country we possess adequate resources both in respect to raw materials, technical or scientific skill, and mechanical equipment sufficient to provide both a high standard of living and also comprehensive security for all classes of society. Workingmen should be made secure against unemployment, sickness, accident, old age and death. The first line of defense against these hazards should be the possession of sufficient private property to provide reasonable security. Industry therefore should provide not merely a living wage for the moment but also a saving wage for the future against sickness, old age, death and unemployment. Individual industries alone, however, cannot in each single case achieve this objective without invoking the principle of social insurance. Some form of government subsidy granted by the entire citizenship through legislative provision seems to be a necessary part of such a program.

33. We cannot overlook the fact that an important factor making for insecurity is the "immense power and despotic economic domination which is concentrated in the hands of a few and that those few are frequently not the owners, but only the trustees and directors of invested funds, who administer them at their good pleasure" (p. 29—*p. 153). Pope Pius XI then singles out one group in an especial manner as exercising this domination and despotic power.

"This power," he states, "becomes particularly irresistible when exercised by those who, because they hold and control money, are able also to govern credit and determine its allotment, for that reason supplying, so to speak, the life-blood to the entire economic body, and grasping as it were in their hands the very soul of production, so that no one dare breathe against their will" (p. 29—*p. 153).

Concentration of Wealth Has Developed Insecurity

34. That there exists a serious problem from the standpoint of security for workingmen is clearly manifest from the present state of unemployment and the present huge demands on government for public relief against dire poverty. Very significantly our present Holy Father Pius XII writes in his letter addressed specifically to the American Hierarchy:

"May it also be brought about that each and every able-bodied man may receive an equal opportunity for work in order to earn the daily bread for himself and his own. We deeply lament the lot of those—and their number in the United States is large indeed—who though robust, capable and willing, cannot have the work for which they are anxiously searching. May the wisdom of the governing powers, a far-seeing generosity on the part of the employers, together with the speedy re-establishment of more favorable conditions, effect the realization of these reasonable hopes to the advantage of all."⁵

35. We do not wish to imply that individual employers as a class are willfully responsible for this present state of insecurity but we do claim that a system which tolerates such insecurity is both economically unsound and also inconsistent with the demands of social justice and social charity. Security of the workman therefore as against unemployment, old age, sickness, accident and death, must be frankly accepted as a social responsibility of industry jointly with society. The distribution of the burden justly between the various groups must be determined first through mutual council and honest agreement between the employers and the employees, and secondly through the regulation of government acting in its sovereign capacity as promoter of the common good.

36. Not all responsibility rests upon government. In truth a large measure of responsibility rests upon the proper collaboration of employers and employees or of property owners and wage earners. The economic system itself and the principles which guide its executives must help to achieve security by establishing

⁵ *Sermon Lætitiae*, p. 20, The Paulist Press Edition.

a fair distribution of income between capital and labor. It must strive to establish an equilibrium between farm income and city income. If the rate of wages (not the annual income) of the industrial worker in the city is out of balance with the rate of returns of the farmer in the country, then there is bound to be unemployment and insecurity. Hence the duty of both groups is to work for a just balance between themselves instead of encouraging selfishness and greed which defeat the interest of both, and violate the principles of morality.

37. The same can be said of the various classes of industrial labor. Here also there must be a balance between various groups both organized and unorganized. Unless this be true the economic system cannot function smoothly and there will inevitably be unemployment, because the one class of workingmen cannot buy the high priced products of the other class of workingmen with their limited income. If skilled laborers, who, through rigid organization, have a monopoly-control of their craft, raise their rate of hourly wages too high, they do not gain their advantage exclusively from the wealthy but from the poor also, in terms of excessive prices. Higher wages as a rule should come out of excessive profits and not out of increased prices.

38. Heartening indeed are the beginnings toward the greater security of the people that have already been made through legislative enactment and public policy. The immediate benefits of these laws to working people may be small and some modifications perhaps desirable, but it is highly gratifying that the principle upon which they rest has become part of our national policy.

Bad or Obsolete Management Does Not Justify Low Wages

IV. WAGES

39. In view of the fact that at present many industrial workers and also farm laborers do not possess sufficient private property to provide either a present livelihood or security for the future, the problem of wages assumes outstanding importance. At the outset it is necessary to state that the wage contract itself is not unjust nor in itself vicious as some theorists have falsely con-

tended (p. 22). It is of course true that a contract between employers and employees would serve the purpose of individual and social welfare more effectively if it were modified by some form of partnership which would permit a graduated share in the ownership and profits of business and also some voice in its management. It is not intended that labor should assume responsibility for the direction of business, beyond its own competency or legitimate interest; nor has labor a right to demand dominating control over the distribution of profits. To set up such claims would amount to an infringement on the rights of property. Labor has however certain definite rights which have been frequently ignored or largely discounted.

40. The first claim of labor, which takes priority over any claim of the owners to profits, respects the right to a living wage. By the term living wage we understand a wage sufficient not merely for the decent support of the workingman himself but also of his family. A wage so low that it must be supplemented by the wage of wife and mother or by the children of the family before it can provide adequate food, clothing and shelter together with essential spiritual and cultural needs cannot be regarded as a living wage.

41. Furthermore a living wage means sufficient income to meet not merely the present necessities of life but those of unemployment, sickness, death and old age as well. In other words, a saving wage constitutes an essential part of the definition of a living wage.

42. In the effort to establish a criterion or standard of measurement of wages, it is necessary to consider not only the needs of the workingman but also the state of the business or industry in which he labors. Pope Pius XI states clearly that "it is unjust to demand wages so high that an employer cannot pay them without ruin, and without consequent distress amongst the working people themselves" (p. 21—*p. 145). Bad management, want of enterprise, or out-of-date methods do not constitute a just reason for reducing the wages of workingmen. It still remains true that a living wage constitutes the first charge on industry. If a business is prevented by unfair competition from paying a living wage, and if such competition reduces prices to such a level that

decent and just wages cannot be paid, then those responsible are guilty of wrongdoing and sin grievously against moral principles as well as against the common good. The remedy lies first in the adequate organization of both employers and employees in their own proper associations and in their joint action; secondly, in adequate regulations and supervision by the State through proper legislative enactment.

43. No criterion or standard of wages however can be determined independently of price. A scale of wages too low, no less than a scale excessively high causes unemployment (p. 22—*p. 146). Likewise a scale of prices too low no less than a scale of prices too high leads to unemployment. Both create hardship and throw the economic system out of its proper equilibrium causing unemployment for the community and hardship even for the individual who is employed, for he must pay too high a price in view of his wages or he receives too low a wage in view of prices. What is needed is a reasonable relationship and a harmonious proportion. Pope Pius XI states:

“Where this harmonious proportion is kept, man’s various economic activities combine and unite into one single organism and become members of a common body, lending each other mutual help and service. For then only will the economic and social organism be soundly established and attain its end, when it secures for all and each those goods which the wealth and resources of nature, technical achievement, and the social organization of economic affairs can give. These goods should be sufficient to supply all needs and an honest livelihood, and to uplift men to that high level of prosperity and culture which, provided it be used with prudence, is not only no hindrance but is of singular help to virtue” (p. 22—*p. 146).

44. Wages are an essential element in the determination of prices. In the final analysis the cost of raw materials cannot be segregated from wage costs, for the production-cost of raw materials presupposes a multiplicity of wage costs as a component element. If wages continuously change then there must be a continuous change in prices, unless it is assumed that all wage changes will affect only the profits of owners. As a matter of fact they do not. The economic organization might function just

as easily on one price level as another, but it cannot function well if the price level is frequently changing. Rapid or frequent fluctuations disturb the harmonious proportions between income and prices not only for owners and employers but also for the workingmen themselves.

45. This consideration is no argument against a necessary increase of wages whenever and wherever the wages are inadequate to provide a decent living. But it is an argument in favor of attaining a relative degree of stability in the price level as soon as commutative justice and social justice permit. A cogent reason for aspiring to such a condition of stability is the higher interest of the family as against the single or unmarried workingman or employee. The single man benefits more from a wage increase than does the family man if the end result is an increase in prices. The family man is penalized in multiple fashion with every increase in prices. Stability in the price level therefore and even a reduction in prices as a secular trend is desirable as one means of distributing our national income more widely and more effectively for the common good. Such a long range policy will supplement the benefits of an increased family wage in view of increased family burdens as recommended by Pius XI.

Universal Automatic Rise in Wages Not Practicable

46. We do not wish to imply that a universal increase of wages will automatically solve our problem of unemployment and idle factories. Some wage increases come not out of the profits of the wealthy but out of the increased prices for the poor. The first requirement is that the lowest paid workingman be the first to receive an increase of wages and simultaneously that prices be not raised but excessive profits be reduced. The ultimate aim therefore must be a reasonable relationship between the prices obtained for the products of the various economic groups (p. 22—*p. 146).

47. Because economic society has not followed the moral laws of justice and charity, the principles of interdependence have been violated and we have precipitated unemployment with all its consequent hardships and misery. To withhold just and reasonable wages from the workingman has injured him directly

and immediately, but it has also injured the common good and the interests of the very owners of property. Their factories, their commercial establishments and their equipment have frequently stood idle as a result. Unless workingmen as a class have sufficient income to purchase their share of the goods which our economic system is capable of producing, the markets will automatically be closed to the sale of goods, and idle factories and unemployment are the disastrous results.

V. ESTABLISHMENT OF SOCIAL ORDER

48. It would be unreasonable to expect that an economic system which has been predicated upon false principles and which has been operative over many decades could be reorganized suddenly or with the easy gesture of hasty legislation and new administrative policy. We face a problem which requires for its solution intellectual vision, moral integrity, and persevering effort. Many leaders both in the field of management and in the field of labor must first be convinced that economic laws and moral laws are in harmony and not in conflict with one another. No one section of human society can be grievously injured without that injury reacting harmfully in the final analysis upon all other sections of society.

49. The remedy for our problems is not so simple as some would have us think. The solution is to be found in clear thinking and in a right conscience. Relying upon God's Providence we dare not be pessimistic but at the same time we frankly recognize that a full restoration to a Christian social order is a matter of steady growth and not a sudden transition.

Extremist Positions on Economic Order Cause Difficulties

50. There are two attitudes which represent extreme positions respecting our economic and social order. The one attitude is espoused by those who reject any and every kind of economic planning or organization. They constitute the group of extreme individualists or the so-called school of economic liberalism. They want no interference whatsoever with the individual either from the government or from the social pressure

of group organizations. They will tolerate no restrictions upon individual initiative or personal enterprise. They are liberal only to the extent that they wish to be liberated from all social responsibility. They call it free enterprise but the freedom is for those who possess great resources and dominating strength rather than for the weak or those who depend simply on their own labor for their well-being.

51. They oppose all efforts to establish collective bargaining by organized labor and they resent the action of government in enacting laws which make such collective bargaining obligatory. If there is to be any social planning, they will do it themselves without the collaboration of labor, consumers or the government. They want the government to be restricted to the function of a policeman or umpire in enforcing private contracts but not to be entrusted with the responsibility of promoting justice and the common good.

52. The second group reject totally this attitude of the individualists and rush to the opposite extreme. These latter desire to socialize all resources or establish a State collectivity. Either all property, as in pure Communism, or at least all productive property as in Socialism, should be owned in their theory by the community or by the State. The State or the community thereupon will engage through its bureaus and agencies in developing an elaborate system of national economic planning. The hope, impractical as that method may be, is to make provision for the needs of all citizens so that there will be no surplus and no deficiency. This system would ignore human nature and human rights as flagrantly as the aforementioned group of individualists. In fact, experience indicates that where this system has been tried human beings are victimized in a manner and to an extent even more disastrous. Persecution is the logical and inevitable result of such economic dictatorship.

53. Between these two extremes there is a "via media" completely consistent with Christian morality and with sound economic principles. It is manifestly impossible to expect good economic order if wages, prices, working conditions and the public good are left to chance or to the haphazard methods of so-called free enterprise. "Free competition, however," says Pope

Pius XI, "though within certain limits is just and productive of good results, but it cannot be the ruling principle of the economic world." Economic supremacy, he continues, can still less assume this function of a true and effective guiding principle, "for this is a headstrong and vehement power, which, if it is to prove beneficial to mankind, needs to be curbed strongly and ruled with prudence" (p. 26—*p. 150).

54. The true remedy will be found, according to the mind of Pope Pius XI, in accomplishing two reforms in our social order. In the first place there must be re-established some form of guild or vocational groups which will bind men together in society according to their respective occupations, thus creating a moral unity. Secondly, there must be a reform of morals and a profound renewal of the Christian spirit which must precede the social reconstruction.

55. The social organism has been dismembered and broken up into fragments each seeking its own selfish interests instead of the common good of all. Until the organic nature of society is again recognized and re-established through vocational groups or guilds, either one of two things must happen. The State must assume all responsibility, that is, become an absolute economic dictatorship or else the individual remains helpless, defenseless and completely overpowered by those who enjoy economic supremacy.

56. Not only must the moral principles of justice and charity be recognized and accepted by members of society, but the social and economic system itself must be so organized that these principles can freely function and become truly operative. Hence the need of a guild or corporative system which will establish sound prosperity and which respects the proper hierarchic structure of society.⁶ Not only must employers and employees be organized singly and jointly but their organizations must be impregnated with Christian moral and social principles or else their work will be sterile or even productive of new disorders.

57. When we speak of the establishment of a right social order, we understand thereby a reform in the concept and organization of the State respecting its responsibility for public

⁶ "On Atheistic Communism," p. 13, The Paulist Press Edition.

welfare; secondly, a reform in other fundamental social institutions; and thirdly, and quite emphatically, a reform or correction of morals.

"When we speak of the reform of the social order," says Pius XI, "it is principally the State we have in mind." The State cannot do all things nor may we hope for salvation from its intervention alone. In fact, the State has been encumbered with all the burdens once borne by associations now extinct. The distinctive function of the State in consequence has become submerged and its authority overwhelmed by an infinity of affairs and duties (p. 23—*p. 147).

Vocational Groups or Guilds Urged as Means to This End

58. The State, however, cannot be relegated to the position of a mere policeman or umpire. It has the responsibility of providing for the common good. On the other hand, it may not and should not become totalitarian in attempting to fulfill all social functions in the way of economic planning and direction. It should leave to the smaller vocational groups the settlement of business of lesser importance. It will then be free effectively to accomplish its real function of "directing, watching, stimulating and restraining, as circumstances suggest or necessity demands" (p. 23—*p. 147).

59. The primary duty of the State and of all good citizens is to abolish conflict between classes with divergent interests. This may at first sight appear to be purely negative. There is, however, a positive responsibility to foster and promote harmony between the various ranks of society and that by specific means. "The aim of social legislation," says Pope Pius XI, "must therefore be the re-establishment of vocational groups" (p. 24—*p. 148).

60. The remedy for the class conflict which makes the labor market an arena where the two armies are engaged in combat, is to be found precisely in the reintegration of the social body by means of vocational groups, "which bind men together not according to the position they occupy in the labor market, but according to the diverse functions which they exercise in so-

ciety" (p. 24—*p. 148). The chief qualifications of those vocational groups or guilds, as noted by Pius XI, are that they are autonomous, embrace whole industries and professions, are federated with other constituent groups, possess the right of free organization, assembly and vote, and that they should dedicate themselves to the common good and with governmental protection and assistance function in the establishment of justice and the general welfare in economic life.

The State itself in the manner described above (paragraph 58), and the existing free organizations of economic life should prepare the way for the ideal type of vocational groups or that sane corporative economic system of which the Pope so frequently speaks, which he so ardently desired to see realized and toward which rightly conducted activities of these organizations can lead (p. 25—*p. 149).

61. The second reform is of equal importance; it is first in the logical order but simultaneous in the order of time. "Nowadays," states Pius XI, "the conditions of social and economic life are such that vast multitudes of men can only with great difficulty pay attention to that one thing necessary, namely, their eternal salvation" (p. 37—*p. 161). There grows in consequence a disorderly affection of the soul, having its source in original sin but aggravated by the present unhappy social conditions. This leads to an unquenchable thirst for riches and temporal possessions, and prompted by this greed for gain there develops a fever of speculation unrestrained by any scruple in committing the grave injustices against others. The civil authority which might have mitigated the evil failed lamentably in the enforcement of the moral law and the spirit of rationalism already in the ascendant accentuated the evil by giving free rein to an economic science devoid of moral principles (p. 38—*p. 162).

Frank and Sincere Return to Gospel Urgently Needed

62. The remedy in the spiritual order is a frank and sincere return to the teaching of the Gospel. God must once more be recognized as the supreme end of all created activity; and all created goods as the instruments under God for the attainment of

our final destiny. "Seek ye first the kingdom of God and His justice and all things else will be added unto you" (Matt. vi. 33).

63. Unfortunately there has been a tendency among too many to dissociate the virtue of justice from the virtue of charity, with the result that life has been made even more selfish and heartless. Charity is no substitute for justice, but it cannot be ignored or derided without failing utterly to comprehend its meaning and its potent influence in regulating and sublimating our social relations and responsibilities. We need justice without doubt or equivocation, but we also need charity if we are to put our lives in harmony with God's plan and promote that spirit of benevolence which will lift the burdens not only from the backs but also from the souls of men.

64. We understand well that a right social order with a lasting and comprehensive peace cannot be achieved solely through improvement in the economic sphere. The present Holy Father states this clearly in his first encyclical letter:

"For true though it is that the evils from which mankind suffers today come in part from economic instability and from the struggle of interests regarding a more equal distribution of the goods which God has given man as a means of sustenance and progress, it is not less true that their root is deeper and more intrinsic, belonging to the sphere of religious belief and moral convictions which have been perverted by the progressive alienation of the people from that unity of doctrine, faith, customs and morals which once was promoted by the tireless and beneficent work of the Church. If it is to have any effect, the re-education of mankind must be, above all things, spiritual and religious. Hence, it must proceed from Christ as from its indispensable foundation; must be actuated by justice and crowned by charity."

65. Our economic life then must be reorganized not on the disintegrating principles of individualism but on the constructive principle of social and moral unity among the members of human society. In conformity with Christian principles, economic power must be subordinated to human welfare, both individual and social; social incoherence and class conflict must be replaced by cor-

† *Summi Pontificatus*, Pope Pius XII, page 21, The Paulist Press Edition.

porate unity and organic function; ruthless competition must give way to just and reasonable State regulations; sordid selfishness must be superseded by social justice and charity. Then only can there be a true and rational social order; then only can we eliminate the twin evils of insufficiency and insecurity, and establish the divine plan of a brotherhood of man under the fatherhood of God.

66. "In the recognition of the royal prerogatives of Christ and in the return of individuals and of society to the law of His truth and of His love lies the only way to salvation."⁸

67. Well-nigh fifty years have passed since the far-sighted Pope Leo XIII stated the Catholic principles of social justice for the modern world. His successors have reaffirmed and elaborated upon them. On numerous occasions, individually and collectively, the bishops of the United States have not only stressed their importance but have formulated practical programs for their effective application to conditions in this country.

These Principles Frequently Were Affirmed by Bishops

68. In giving renewed emphasis to these principles, we urge our people again to give them earnest study, so that they may come to know and love the way of justice; and to strengthen themselves spiritually, through prayer and the Sacraments, that they may ever follow it. So doing, by God's grace they will, as a leaven in society, fulfill their appointed role in the establishment of the Kingdom of God among men.

Given at Washington, D. C., Ash Wednesday, February 7, 1940.

The Administrative Board and Assistant Bishops of the National Catholic Welfare Conference:

Samuel A. Stritch, Archbishop of Chicago, chairman; John Gregory Murray, Archbishop of St. Paul; Joseph F. Rummel, Archbishop of New Orleans; John Mark Gannon, Bishop of Erie; Hugh C. Boyle, Bishop of Pittsburgh; Francis C. Kelley, Bishop of Oklahoma City-Tulsa; John B. Peterson, Bishop of Man-

⁸ *Summi Pontificatus*, Pope Pius XII, p. 7, The Paulist Press Edition.

chester; Edwin V. O'Hara, Bishop of Kansas City; John A. Duffy, Bishop of Buffalo; Edward F. Hoban, Bishop of Rockford; Emmet M. Walsh, Bishop of Charleston; Karl J. Alter, Bishop of Toledo; Charles Hubert LeBlond, Bishop of St. Joseph; Francis P. Keough, Bishop of Providence; Walter A. Foery, Bishop of Syracuse; Bartholomew J. Eustace, Bishop of Camden.

DISCUSSION CLUB OUTLINE

QUESTIONS

I

Paragraphs 1 to 12

(Pages 3-6)

What does the Pope call for in his first encyclical? (1)

Of what does he remind a forgetful world? (1)

To Whom does he reconsecrate the whole human family? (1)

What is his clarion call? (1)

What is the supreme hope and purpose of our Holy Father? (2)

What is the hope of the present hour? (3)

What is Christianity's strongest defense today? (3)

What is the result of past error and anti-Christian movements? (3)

What do the Bishops and Archbishops reaffirm in this pastoral? (4)

What must be the basis of the peace the world is longing for? (5)

Into what phases of life must God be brought back? (5)

Where must the truth, law, justice, mercy and charity of God enter? (5)

What mission has been assigned the Church by command of the Eternal God? (6)

Is man merely an individual leading an individual life? (7)

Enumerate his duties as man. (7)

What is the right and duty of the Church respecting social and economic problems? (8)

Does the Church enter the field of technical business problems? (9)

Does the Church prescribe a particular form of economic organization? (10)

Does the Church advocate a particular form of government? (10)

What does Holy Scripture teach regarding ownership? (11)

What does the Moral Law dictate regarding private property? (11)

What are man's responsibilities relating to private property? (12)

II

Paragraphs 13 to 19
(Pages 6-8)

- What does Divine Revelation teach us regarding labor? (13)
- What does Pius XI say of human personality? (14)
- Enumerate man's inalienable rights. (14)
- What conclusion follows from these human rights? (14)
- To whom does it belong to explain in their fullness these truths? (15)
- What has happened in recent years to a large number of workers? (16)
- How may we bring back faith and hope to the hearts of the workers? (17)
- How make this progress sure and effective? (17)
- What relationship exists between economic injustice and human living? (18)
- What is the Church's obligation regarding the moral obligations of economic life? (18)
- With what questions does controversy deal today? (19)

III

Paragraphs 20 to 30
(Pages 8-12)

- State the Church's teaching on the right of private property. (20)
- Name the twofold aspect of ownership. (21)
- Mention the results following the denial of this twofold aspect. (21)
- What two great dangers are apparent in the present state of economic organization? (22)
- How should the civil authority deal with these dangers? (22)
- What does Pius XI teach regarding governmental authority and private ownership? (23)
- What has intensified the individualistic spirit in modern industry? (24)
- Does modern industry require a certain concentration of capital? (25)
- Is concentration and control of capital necessary for the common good? (25)
- What is the result of the concentration of capital and of mass production? (25)
- Name the resultant problem of these two forces in modern industry? (25)
- State the modern condition of capital and labor in many instances. (26)
- How did this condition arise? (26)
- What gives effective voice to labor? (26)
- What is the remedy for this situation? (27)
- Name a false principle that has frequently been applied in the compensation of labor? (27)
- Is the principle of supply and demand as applied to labor a just principle? (27)

- Has labor the right to exercise a monopoly-control? (28)
 Is capital's right merely to receive enough compensation to replace itself? (28)
 Whose right is invaded by the socialization of all means of production? (28)
 Do the excessive claims of labor on the income of industry constitute the immediate problem in labor relations today? (28)
 How do employers complicate the problem? And how do employees do the same? (28)
 What does Leo XIII say to both groups and to government in this matter? (28)
 What does a false economic system grow from? (29)
 What does Pius XI tell employers? (29)
 What has this Pope to say of the distribution of wealth? (30)

IV

Paragraphs 31 to 38

(Pages 12-15)

- On what does our present economic order rest? (31)
 Is private property well distributed today? (31)
 How may our present economic system be made secure? (31)
 What does the lack of sufficient private property lead to? (32)
 Have we sufficient resources in this country to provide a high standard of living and adequate security for all classes of society? (32)
 Against what hazards should workers be made secure? (32)
 What is the first line of defense in this security? (32)
 What wage should industry provide to the worker? (32)
 Can industry unaided do this? (32)
 What kind of subsidy must be provided to aid industry? (32)
 What is an important factor making for insecurity? (33)
 What group does Pius XI single out as responsible for our present social disorder? (33)
 What does the present state of unemployment and government relief indicate? (34)
 What does our present Holy Father say of this situation in America? (34)
 Are employers as a class responsible for present labor insecurity? (35)
 What do we say of a system that tolerates this insecurity? (35)
 Who must accept the burden of securing the position of the worker? (35)
 How is it to be accomplished? (35)
 Does all responsibility in this matter rest with government? (36)
 Who must collaborate in procuring security? (36)
 How is it to be done? (36)
 What equilibrium must be maintained? (36)

- What balance must be maintained between the organized and unorganized labor groups? (37)
- Are higher wages the solvent of unemployment? (37)
- Do higher wages come only from the wealthy? (37)
- What should be the source of higher wages as a rule? (37)
- What is a heartening sign of the beginnings of greater security for the common man? (38)
- What are social security laws indicative of? (38)

V

Paragraphs 39 to 45
(Pages 15-18)

- Why does the problem of wages assume outstanding importance today? (39)
- Is the idea of the wage contract wrong? (39)
- How could the contract between employer and employee serve individual and social welfare more effectively? (39)
- Should labor assume the direction of business beyond its own competency? (39)
- Has it a right to dominating control over the distribution of profits? (39)
- What is the first rightful claim of labor? (40)
- Define a living wage. (40)
- Define a saving wage. (41)
- What is necessary to consider in determining a standard of measurement of wages? (42)
- How does Pius XI state the fallacy of "high wages at any cost"? (42)
- Name three false reasons for reducing wages. (42)
- Mention the first charge on industry. (42)
- What is the remedy for unfair competition? (42)
- Can a criterion of wages be determined independently of prices? (43)
- What is the result of too high or too low a wage scale? (43)
- Name the result of the reasonable relationship and harmonious proportion between wages and prices as expressed by Pius XI. (43)
- What is an essential element in the determination of prices? (44)
- Can the cost of raw materials be separated from wage costs? (44)
- If wages continually change what else must change, too? (44)
- Can the economic organization function well if the price level is frequently changing? (44)
- Does a fluctuation like this affect only employers and owners? (44)
- Does this mean wages should not be raised when they are admittedly inadequate for decent human living? (45)
- When should the price level attain a relative degree of stability? (45)

- Give a solid reason for hoping for such a condition of stability. (45)
 How does a rise in price affect the single man? The married man? (45)
 What is one means of better distribution of our national income? (45)

VI

Paragraphs 46 to 49

(Pages 18-19)

- Will a universal increase in wages solve unemployment? (46)
 What is the first requirement in a wage increase policy? (46)
 What must be the final aim of a price policy? (46)
 Why have the principles of interdependence of all classes been violated in our economic system with consequent unemployment? (47)
 Whom are penalized by an unjust wage? (47)
 How does the worker's insufficient income affect all classes? (47)
 Can our economic order be readjusted speedily and by legislation? (48)
 What is required for the readjustment? (48)
 What fact must be acknowledged by labor and management in respect to economic laws? (48)
 What two things must contribute to the solution of the economic problem? (49)
 How may we attain to a full restoration of a Christian social order? (49)

VII

Paragraphs 50 to 57

(Pages 19-22)

- Explain the two extreme attitudes respecting our economic and social order. (50)
 What is the true meaning of "free enterprise"? (50)
 What is the attitude of economic liberals toward collective bargaining, government regulation, social planning? (51)
 How do they define government responsibility? (51)
 What do the collectivists advocate? (52)
 How does pure Communism differ from Socialism? (52)
 How would human rights fare under either system? (52)
 What is the middle course between these two extremes, advocated by Pius XI? (53)
 What are the two primary reforms necessary for our social order according to this Pope? (54)
 Why has our social order been disrupted? (55)

- If the organic nature of society is not re-established through vocational groups or guilds what will necessarily happen? (55)
 Explain the need of the guild or corporative system. (56)
 Does it mean the organization of employers' and employees' groups separately? (56)
 What three reforms are necessary for the establishment of a right social order? (57)
 Will State intervention alone remake the social order? (57)

VIII

Paragraphs 58 to 68 (Pages 22-25)

- Should the State fill the position of a mere umpire? (58)
 What is its responsibility? (58)
 What should its social function be? (58)
 Mention the primary duty of the State and all citizens. (59)
 What specific means must be adopted to foster harmony? (59)
 What part should vocational groups play in rebuilding the social order? (60)
 Name the qualifications of these groups. (60)
 In what manner should the State co-operate with existing organizations? (60)
 What does Pius XI say of present conditions of our economic life? (61)
 What accentuated the evil in our social life? (61)
 Name the spiritual remedy necessary for the readjustment of our social order. (62)
 Is justice sufficient for a new social order? (63)
 What other virtue must play its part and how is it to do this? (63)
 Is it sufficient to improve the economic sphere in attaining a new social order? (64)
 What does Pius XI say of the roots of the present economic crisis? (64)
 How must the "re-education of mankind" proceed? (64)
 On what principles must our economic life be reorganized? (65)
 Following Christian principles, what must be the relationship between economic power and human welfare, between class conflict and organic unity, between competition and State regulation? (65)
 Where lies the one way of rescue from the present crisis? (66)
 Since Leo XIII first proclaimed the Catholic social principles for the modern world what have his successors done? What have our American bishops done? (67)
 In re-emphasizing the Catholic Social Gospel at this time what do our bishops urge American Catholics to do? (68)

RECOMMENDED PAMPHLETS

Why the Guilds Decayed, by Henry Somerville

Balanced Abundance, by Rev. Edgar Schmiedeler, O.S.B.

The Sound Old Guilds, by Rev. Matthew Clancy, S.T.D.

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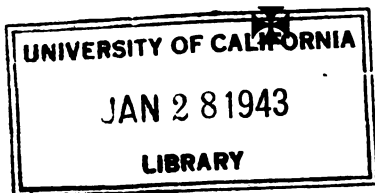
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The Church and Social Order

A Summary

By

THE MOST REVEREND JOSEPH FRANCIS RUMMEL, S.T.D., LL.D.
Archbishop of New Orleans



Catholic Conference on Industrial Problems
1312 Massachusetts Avenue, N. W.
Washington, D. C.

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in
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The Church and Social Order

A Summary

FOR two entire days the program of the Catholic Industrial Conference has endeavored to make us acquainted with the mind of the Catholic Church on problems that affect very intimately our economic and social life. The chief purpose of this Conference has been to present to us certain principles and recommendations which the Sovereign Pontiffs, especially Pope Leo XIII and Pope Pius XI of happy memory have laid down for our guidance. When we speak of guidance we refer not only to the children of the Catholic Church but to human society wherever it is found and constituted, because the interest of the Church in these matters is as universal as the world itself and her obligation as teacher and guide extends far beyond the radius of her own membership. It extends in reality to all nations and peoples of the universe.

We have seen that the documents that constitute, in a measure, the Magna Charta of human society in determining the relationship of individual to individual and of one group to another, are first the celebrated encyclical of Pope Leo XIII, issued in the year 1891 and entitled "Rerum Novarum," and that other more recent encyclical issued by Pope Pius XI in the year 1931, entitled "Quadragesimo Anno" or "Forty Years After," in commemoration of the fortieth anniversary of the publication of the encyclical of Pope Leo XIII. While the former document was the first comprehensive program proposed by the Church as a solution for the social and economic problems that confronted the world towards the end of the last century, the second document still adhering to the fundamental principles, took cognizance of new developments and adapted to modern conditions the teachings of the Church on the same vital issues.

Inspired by the example of the Vicar of Christ and conscious of the need of an expression on the part of the Church in the

United States of America, the American Hierarchy issued in the year 1919 a celebrated pastoral letter, presenting their program of Social Reconstruction. And again as recently as February, 1940, the Archbishops and Bishops who constitute the Administrative Board of the National Catholic Welfare Conference issued a document entitled "The Church and Social Order." These communications of the American Hierarchy present the fundamental principles of the Papal encyclicals in their practical application to the industrial, economic and social life of the United States of America and the specific problems with which all classes of society in this country are confronted. The almost universal acclaim with which these pronouncements have been received in all circles, Catholic and non-Catholic, religious and secular, bears testimony to their practical value as well as the regard entertained almost universally for the mind of the Church and its Hierarchy.

It is my task tonight in this final session of the Catholic Industrial Conference, which we have been privileged to hold here in New Orleans, to present as concisely as possible the substance of the most recent expression of the American Hierarchy through its Administrative Board on the social issues that confront us. The pastoral letter entitled "The Church and Social Order," which is a pamphlet of more than thirty pages, is, in itself, a highly concentrated outline of a very involved and extensive subject. You may readily understand that it is no easy task further to compress it into an address for which only a brief time is allotted. However, without attempting to do full justice to the theme, I will endeavor, at least, to give you a summary of the contents as a fitting conclusion of the deliberations to which most of you have devoted the past two days.

The Right of the Church to Speak

Very wisely the document which we are considering discusses, by way of introduction, the right of the Church to speak in matters that so many regard as outside of the domain of faith and morals. Influenced by the material philosophy that has, in a large measure, dominated economic life during the last several hundred years, there are not wanting those that would deny to the Church every right even to express her mind in connection with social problems, not to speak of using her

authority in the enunciation of definite principles for the guidance of human society. Be it remembered that it is not the intention of the Church to deal with technical problems, economic science or business administration. These may take a variety of forms which are subject to change according to the circumstances of time, particular industries, methods of production and distribution. These details the Church regards with comparative indifference, provided fundamental principles of justice and charity are observed. But the Church does claim a right to speak on the social issues, because they are fundamentally moral and spiritual. No one can reasonably question that the Church has received from Christ a divine mandate to teach all men whatsoever He has commanded, and that she is in reality "the pillar and ground of truth." Inasmuch as the social question deals fundamentally with the rights and duties that exist between man and man, between one group of society and another, the conditions under which human intelligence and labor may be bought and sold and the effect which these relationships have upon individual happiness and contentment, as well as upon social peace and stability, it is clear that the question is eminently moral and belongs definitely within the domain of the teaching authority of the Church.

When we consider further that man has also a spiritual nature, marked and signed with the imprint of the image of God, destined to be elevated to the dignity of a child of God and to the enjoyment of the Kingdom of Heaven, we can readily understand that every question that tends to either ennoble or degrade this dignity belongs into the province of the Church, the divine custodian of the human soul. Who will question that the vindication of the right of the individual to own property and determine the conditions under which he is to render service to his fellowman are not intimately related to his spiritual dignity and destiny? And why should not, then, the Church have not only the right but also the duty to speak in matters that touch so intimately the spiritual and eternal as well as the material and temporal welfare of her children and of humanity at large? Hence we can readily understand the earnestness with which the Sovereign Pontiffs, and under their inspiration and direction also the Bishops of the Church, have insistently devoted themselves to the issues involved in the social question, constantly placing before human society the wise counsels and direction of the Church of Christ. Indeed men expect the Church

to speak, and look eagerly for her messages in this vital matter. They are disappointed when they think that the Church fails to speak, many even alienating themselves from religion on the pretext that the Church in their estimation is falling short of her duty. Certainly, unless the Church does speak in defense of Christian principles and the recognition of Christ as the Divine Light of the world, there is danger that our civilization will fall back into the darkness of paganism and to the degrading level of gross materialism.

Ownership

In the mind of the Administrative Board the controversy today in the social field concerns itself chiefly with five questions, namely: (1) ownership, (2) property and labor, (3) security, (4) wages and (5) the establishment of social order. Their pastoral deals with each of these topics chiefly in the light of the pronouncements of Pope Pius XI of happy memory.

Man's right to the ownership of private property is definitely established in the natural law as the means whereby he can provide for himself and his family subsistence, reasonable comfort and security. In the exercise of this right, we may recognize a twofold aspect, the one as it affects the individual, the other as it affects society or the individual's relationship to other individuals and groups. In the words of the pastoral: "To deny the individual character and aspect of ownership leads to some form of socialism or collective ownership; to deny the social character or aspect of ownership leads to selfish individualism or that form of exaggerated liberalism which repudiates duties and ends in complete irresponsibility to other persons and to the common good." (par. 21)*

It is the duty of civil authority not to deprive the individual of his right to ownership, certainly not by means that are unjust and unfair, but rather to protect the individual in his just property rights and to regulate by wise legislation, for the good of all, the rights and responsibilities of one individual towards another, of one social group towards another. It becomes clear at once that the Church will not accept the modern theory of totalitarianism, which tends to suppress, submerge and ultimately destroy every vestige of individual right, and to direct all ownership, service and even personal prerogative to the use of the supreme state.

* All paragraph references are to the N. C. W. C. edition of the Church and Social Order.

Property and Labor

Probably the most acute question in the social field affects the relationship between property, oftener also called capital, and labor. We are living in an age of machine industry, mass production and mass employment. The farmer frequently does not own the land which he cultivates; the mechanic does not own the tools with which he operates; the individual business man does not own the enterprise that he promotes. This brings up the problems of the concentration of sufficient capital to operate industry, the organization of labor to carry on the enterprise and the necessary adjustment of the relationship between the two. The situation also gives rise to questions affecting the fair compensation due to capital, the just remuneration to which labor has a right, the proper regulation of the conditions under which labor is to function, the division of profits and also the possibility of conceding to labor a fair share in the conduct of an enterprise and in the profits or benefits that accrue from its success.

Because the individual working man, or even a small group of working men, are frequently powerless in presenting and promoting their just interests, it is only logical that they should band themselves together into larger groups called unions for the purpose of defining and attaining their just rights. Contrary to the view of the liberalist, who would deny to the working man or to any individual, who is obliged to sell in a sense his intelligence and labor, the privilege of forming associations commonly called unions for the promotion of their common interests, the Church recognizes this as a fundamental natural right, of which human beings cannot be deprived without the violation of justice.

Certainly it would be conducive to social peace and happiness if principles "economically sound and morally just" were adopted for the distribution of the income of industry. "The principle that labor," to quote from the pastoral, "should be compensated to such an extent only that it remains physically efficient and capable of reproducing itself in new generations of workingmen, is a vicious principle, devoid of all respect for human dignity and opposed to all sense of social responsibility. It is true that this principle was never widely held in theory, but it has been frequently applied in practice. One such application is found in the policy that labor should be compensated solely according to the principle of supply and demand. This reduces labor to the

position of a commodity and makes the workingman accept the fluctuating price in a labor market irrespective of the needs of himself and family. Neither present sufficiency of income nor security for the future play a part in determining his wage standard according to this immoral theory and practice. Such theory or practice is anti-social and anti-Christian, for it denies both social responsibility and the claims of Christian ethics and in their place substitutes the principles of selfishness and force." (par. 27)

The ideal aims should be that the employer, who supplies capital, enterprise and intelligent administration should recognize the value and importance of the working man, without whose physical power, intelligent workmanship, sense of responsibility and personal interest no enterprise can succeed. Mutual respect, security and adequate provision for future needs and emergencies should dominate present relationships, the distribution of the fruits of the industry and future planning. The sooner that capital and labor cease to stand opposed one to another as armies drawn up in battle array, suspicious of one another, jealously watching one another and begrudgingly making concessions one to the other even in matters that are at times superficial, the sooner will peace, order and contentment prevail in human society. In this respect unreasonable demands, threat of destruction and violence are as unjust on the part of labor as they are on the part of capital, whether organized or unorganized.

Security

A very important factor in the establishment of peace and contentment in society is the element of security regarding not only the present but also the future under contingent circumstances and emergency. The sources of security are the ownership of private property, and adequate security wage and so-called social insurance. Today it is becoming increasingly true that private property, including capital, is being concentrated more and more in the hands of comparatively few individuals or corporations. In order to guarantee to working men security "against unemployment, sickness, accident, old age and death" it is demanded that they be paid not merely a living wage but

a security or saving wage which enable them to provide against these contingencies and emergencies. Because in most instances such a wage is either not paid or may, if paid, itself prove inadequate, so-called social insurance has become a wise and even necessary provision and protection. This social insurance, which concerns in reality the common good, may rightfully be subsidized by government aid through taxation upon the entire citizenship.

Pope Pius XI deplores the factor of insecurity which arises from "immense power and despotic economic domination which is concentrated in the hands of a few and that those few are frequently not the owners, but only the trustees and directors of invested funds who administer them at their good pleasure." Among these the Holy Father singles out a special group, namely those who "hold and control money, are able also to govern credit and determine its allotment, for that reason supplying, so to speak, the life blood of the entire economic body, and grasping as it were in their hands the very soul of production, so that no one dare breathe against their will." (par. 33) The extent to which this group has been and is responsible for the condition of unemployment in this country at the present time is worthy of inquiry and consideration. Certainly it is true that in this country wage earners, and even small property owners, are more than ever harassed by well-founded anxiety regarding their future security and stability. Undoubtedly the rise in recent years of various schemes for pensioning out of public resources persons who have reached a certain age is due largely to the consciousness of this insecurity. It were far more desirable to cure the evil at its root, by giving to the working classes a more adequate remuneration for their labor, and to make it possible for a larger number to acquire ownership in property, that would enable them to stabilize their future needs. As to the source whence higher wages should be derived, the pastoral states significantly that "higher wages, as a rule, should come out of excessive profits and not out of increased prices." (par. 37)

Wages

The previous paragraphs have, in a sense, foreshadowed what might be stated under the title of wages or the remuneration to which working people have a just right in return for their labor and services. The pastoral which we are considering lays

emphasis upon the importance and necessity of what it terms a security or saving wage as distinguished from a mere living wage. Inasmuch as the workingman is exposed to certain contingencies and emergencies arising from unemployment, sickness, accident, old age and death, it should be possible for him to provide adequately against these circumstances out of the remuneration which he receives for his labor. Nor should it be necessary, under normal conditions for the head of a family to depend for the support of that family upon the joint wages of its various members. This is a situation which has grown considerably during the depression. A living wage does not mean a bare subsistence wage but an amount sufficient to supply a normal family, in accordance with relative standards of living, with the necessities, conveniences and ordinary comforts, including a reasonable allowance for recreation, medication and the education of children.

In discussing wages it should be remembered that labor "takes priority over any claim of owners to profits." Unfortunately in too many industries has it been customary to guarantee to the investors a fixed rate of interest plus dividends, regardless of the just claims of those who, by their labor, are responsible in a large measure for the maintenance, development and success of the enterprise.

Another important item touched upon in the pastoral is the practice of making "bad management, want of enterprise or out-of-date methods" a reason or alibi for reducing the wages of the workingmen. Unfair competition, which "reduces prices to such a level that decent and just wages cannot be paid," is branded as wrongdoing and grievously sinful "against moral principles as well as against the common good." Adequate organization and joint action of employers and employes, an adequate regulation and supervision by the State are recommended as remedies. On the other hand we are reminded by Pope Pius XI that "it is unjust to demand wages so high that an employer cannot pay them without ruin and without consequent distress among the working people themselves." (par. 42)

Very wisely the pastoral calls attention, in determining the standard of wages, to the cost of raw material and their processing as well as the reasonable price of the finished article, care being taken so that the fluctuations in these costs and prices might not cause instability through corresponding fluctuations in the wage scale.

The general thought is that an increase of wages would help materially towards solving the problem of unemployment and idle factories by increasing the purchasing power of the working people. Such wage increases may be effected by reducing profits or raising prices, care being taken that these increases in prices do not militate against the interest of the poor. Where there is question of increasing wages, the lowest paid workingmen should be the first to receive an increase.

It may be well to close this paragraph by the following quotation from the pastoral: "Because economic society has not followed the moral law of justice and charity, the principles of interdependence have been violated and we have precipitated unemployment with all its consequent hardships and misery. To withhold just and reasonable wages from the workingman has injured him directly and immediately, but it has also injured the common good and the interests of the very owners of property. Their factories, their commercial establishments and their equipment have frequently stood idle as a result. Unless workingmen as a class have sufficient income to purchase their share of the goods which our economic system is capable of producing, the markets will automatically be closed to the sale of goods, and idle factories and unemployment are the disastrous results."

Establishment of Social Order

In the concluding chapter the pastoral deals with the establishment of social order, a problem which must be faced with "intellectual vision, moral integrity and persevering effort." The remedy is not simple and the process is bound to be "a matter of steady growth and not a sudden transition." There must be economic planning and organization in a spirit of justice, charity and generosity.

On the one hand the so-called liberalist must remember that collective bargaining by organized labor and reasonable regulation by the government are inevitable, if the social order is to be established on a basis of peace and progress. On the other hand it must also be remembered that the solution of our difficulty does not lie in the socialization of all resources and the establishment of State collectivity as is contended in the schools of Communism and Socialism, which seem to differ only in the degree and extent of their ideologies.

The true solution seems to lie in the middle path recommended by Pope Pius XI, which postulates a harmonization between the principles of Christian morality and sound economic principles.

A New Guild System

For the promotion of the general welfare the program for the establishment of social order should, according to the mind of Pope Pius XI, include the formation of a new system of guilds or vocational groups in each profession, industry or occupation. These guilds should be made up of employers and workers, including labor unions, and should eventually aim towards federation. They should function under governmental protection and with governmental help, but not entirely under governmental control. The purpose of these guilds should be the promotion of the common good. Their establishment will forestall absolute economic dictatorships and guarantee to individuals the necessary help, protection and defense against those who enjoy economic supremacy.

In these groups Christian and moral principles must be recognized, studied and applied. Fundamentally this implies a reform and correction of morals, for the establishment of a right social order is otherwise inconceivable. In the words of the pastoral these groups should be "autonomous, embrace whole industries and professions, be federated with other constituent groups, possess the right of free organization, assembly and vote, dedicate themselves to the common good and with governmental protection and assistance function in establishment of justice and general welfare in economic life." (par. 60)

The establishment of a right social order must include primarily "a reform in the concept and organization of the State respecting its responsibility for public welfare." On the one hand it must do something more than act as "a mere policeman or umpire;" on the other hand it must refrain from absorbing all social functions, economic planning and direction. It must aim to abolish class conflict and initiate, encourage and direct what is for the common welfare, leaving "to smaller vocational groups the settlement of business of lesser importance." Pope Pius says "the aim of social legislation must therefore be the re-establishment of vocational groups," in accordance with the outline already indicated.

Equally important is the reform of moral life, for many of our social evils arise from the departure of individuals and groups from religious principles and the standards of moral living set up by our Divine Lord and Saviour, Jesus Christ. This moral reform must aim principally at the eradication of one of the chief consequences of original sin, namely avarice or that immoderate affection for riches and temporal possessions, which brings in its wake jealousy, strife and disorder between individuals and classes of society. In other words there must be a sincere return to the teaching of the Gospel indicated in the admonition of Christ "Seek ye first the kingdom of God and His justice and all things else will be added unto you." (Math. VI, 33.) (par. 62)

Man's conduct and relations to his fellowmen cannot be guided by justice alone. Charity and fundamental Christian virtue, must be invoked to put warmth, heart and soul into human relations. Without charity it will always be impossible to remove the sharp outcroppings of human nature, which is so prone to selfishness, and to bridge over the shortcomings and deficiencies which even the exercise of justice is not always able to prevent.

In this connection may we requote with the pastoral from the first encyclical of our present Holy Father Pope Pius XII: "For true though it is that the evils from which mankind suffers today come in part from economic instability and from the struggle of interests regarding a more equitable distribution of the goods which God has given men as a means of sustenance and progress, it is not less true that their root is deeper and more intrinsic, belonging to the sphere of religious belief and moral convictions which have been perverted by the progressive alienation of the people from that unity of doctrine, faith, customs and morals which once was promoted by the tireless and beneficent work of the Church. If it is to have any effect, the re-education of mankind must be, above all things, spiritual and religious. Hence, it must proceed from Christ as from its indispensable foundation; must be actuated by justice and crowned by charity." (par. 64)

In conclusion may we reassume with the authors of the pastoral the task that lies before us: "The peace which all right-minded men so earnestly desire, must be based upon a comprehensive program of restoring Christ to His true and proper place in human society. We must bring God back into government;

we must bring God back into education; we must bring God back into economic life; we must bring God back indeed into all life, private and public, individual and social. The truth of God, the law of God, the justice, mercy and charity of God, must, by conscious effort and willing submission be made to permeate all our social intercourse and all our public relations." (par.5)

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CHURCH
AND
STATE**

BY
RT. REV. JOHN A. RYAN, D.D.

CHRISTIAN DEMOCRACY SERIES No. 1

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FOREWORD

For a real understanding of our democracy and our individual and social responsibilities to it as Catholics, a knowledge of the nature of human society and of the fundamental relations of the Church and Government seems important.

As an Average Citizen, we have put questions which interest us in this field to Monsignor Ryan. His answers form a sort of Preface to some of the facts and problems which the Christian Democracy Series will consider.

SOCIAL ACTION DEPARTMENT
NATIONAL CATHOLIC WELFARE CONFERENCE

THE CITIZEN, THE CHURCH AND THE STATE

By RT. REV. MSGR. JOHN A. RYAN, D.D.

1. MR. AVERAGE CITIZEN: *I hear a lot of talk these days about Society and my obligation toward it. Just what is "society" anyway?*

MSGR. RYAN: When we speak of Society we mean to include all human beings associating with one another. Society refers to men and women not as isolated individuals but as they participate in various forms of organized life; for example, in Government, the family, political parties, industrial corporations, labor unions, philanthropic societies, schools, clubs, etc. The Encyclopedia of the Social Sciences says it may be regarded as "the most general term referring to the whole complex of the relations of man to his fellows."

2. A. C.: *How would you define a society then?*

MSGR. R.: A society is a group of persons organized for, and interdependent in the pursuit of, a common end or purpose. This definition applies to any society—groups like the Church and the State, as well as small and simple ones such as a sodality or a debating society. It would fit a world society. However, there are, of course, various classifications of societies—for instance, some are necessary, others are voluntary; some are perfect, others are imperfect.

3. A. C.: *What societies are necessary?*

MSGR. R.: There are three necessary societies. One, in the supernatural order, is the Church. The other two which are necessary, in the natural order, are the State and the family. Beyond these three are many other groups which are more or less useful. Some of them indeed are *morally* necessary but none of them is *absolutely* necessary.

4. A. C.: *You said some societies were "perfect." Did you mean that literally?*

MSGR. R.: The adjective "perfect" does not imply that the members of such societies are faultless or that the groups' actions are always wise. In a general way, it means "independent and complete." A "perfect" society is one which is neither a part of nor directly subordinate to any other society and which has within itself all the means necessary for its maintenance and for the attainment of its end.

5. A. C.: *There are not many "perfect" societies, are there?*

MSGR. R.: There are only two perfect societies in the world, the Church and the State. This excludes even the family, which, although its end is not directly subordinate to that of the State, is a part of the State and depends upon the State for some of the means necessary to attain its specific end. In a still greater degree, all other forms of association are excluded; for example, commercial, fraternal, educational and philanthropic organizations.

I. THE CHURCH

6. A. C.: *The Church is concerned with individuals as individuals, isn't it? What relation does it have to Society as a whole?*

MSGR. R.: While the Church deals primarily with the individual and seeks the salvation of the individual's soul, it carries on its work among men who take part in one or more of the forms of associated life. In other words, the Church is constantly brought into relation with social groups.

7. A. C.: *You said the Church is an independent and complete society. On what do you base this statement?*

MSGR. R.: That is evident from its origin and constitution. Pope Leo XIII expressed this in his Encyclical, "The Christian Constitution of States": "For the only-begotten Son of God established on earth a society which is called the Church, and to it He handed over the exalted and divine office which He had received from His Father, to be continued through the ages to come." The Scriptures give the basis for this statement; for instance, these words of Christ in St. John: "As the Father hath sent Me I also send you"; and these in St. Matthew: "And I say to thee, that thou art Peter, and upon this rock I will build My Church and the gates of Hell shall not prevail against it. And I will give to thee the keys of the Kingdom of Heaven. And whatsoever thou shalt bind upon earth it shall be bound also in heaven, and what-

soever thou shalt loose on earth it shall be loosed also in heaven." Further on in St. Matthew there is this: "Going therefore, teach ye all nations; baptizing them in the name of the Father, and of the Son, and of the Holy Ghost. Teaching them to observe all things whatsoever I have commanded you: and behold I am with you all days, even to the consummation of the world." And in St. Luke, "He that heareth you heareth Me and he that despiseth you despiseth Me; and he that despiseth Me despiseth Him that sent Me."

8. A. C.: *In other words?*

MSGR. R.: In other words, it is clear that Christ established a religious society whose *end* is the salvation of souls; that He promised to provide the Apostles with the *means* to attain this end; that He made the Apostles the *rulers* of this society; that He placed one of them, Peter, at the *head* of the group; that He intended their *successors* in the apostolic office to govern this society to the end of the world; and that He did not intend this society to be subordinate to any other society.

9. A. C.: *How is the society of the Church constituted?*

MSGR. R.: It is clear, too, that Christ designed the Church to be made up of two great elements: the teachers and the taught; the rulers and the ruled. The first consists of the Pope, the bishops and priests; the second, of all the other members of the Church. The Pope and the bishops have the

authority to govern and to make laws, the Pope for the Universal Church, and the bishops for their respective dioceses. The priests have the authority to administer the Sacraments by delegation from their respective bishops. Priests under the Pope and bishops have the right and the obligation to teach the truths of Christian doctrine and the principles of Christian morality.

10. A. C.: *There seems to be a sharp division between the two groups. Is there a common ground?*

MSGR. R.: All the members of the Church, teachers and taught, rulers and ruled, participate in the common life of prayer, grace and the Sacraments. These are the supernatural means whereby all Christians are enabled to reach their supernatural end, which is union with God in eternal blessedness. The obligations of obedience and loyalty resting upon members of the Church follow necessarily from the teaching and governing authority conferred upon the Church by her divine Founder.

11. A. C.: *Of course, we all know our obligations.*

MSGR. R.: Insofar as they concern the immediate personal relations between the believer and the Church, they *are* pretty well understood. These require us to keep the Commandments of God, of the Church and the moral law; to accept the interpretations and applications of the moral law that have been made by the Church, and to believe

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all the truths of religion that the Church believes and teaches.

12. A. C.: *Doesn't that cover everything?*

MSGR. R.: Beyond these individual duties are what might be called the associated obligations resting upon all members of the Church. Frequently these are ignored or misunderstood. Yet they are quite as real and binding as the strictly individual obligations.

13. A. C.: *Please explain a little further!*

MSGR. R.: According to his abilities and opportunities, every Catholic must promote the welfare of the Church as a society in all its relations. All other members of the Church are his brothers in Christ. They are all organically united—members of a living body of which Christ is the Head. Therefore, the individual Catholic is obliged not merely to love his fellow Catholics as individuals but to further the welfare of the Christian brotherhood as such, as the supernatural body from which all derive their unity and spiritual goods and benefits. The Catholic who ignores this wider sphere of obligations shows himself ungrateful for his Christian heritage, unwilling to pay his Christian debts and desirous of reaping where he has not sown. This obligation of promoting the welfare of the Church and of religion is binding upon the laity as well as upon the clergy. Such is a central idea of Catholic Action, which the Holy Father calls “the participation of the laity in the apostolate of the Hierarchy.” In the United

States these obligations, individual and corporate, of Catholics seem to require special emphasis in relation to certain needs and rights of the Church at the present time.

14. A. C.: *White rights of the Church require an emphasis of our obligation at the present time?*

MSGR. R.: For instance, the right to educate, to carry on religious worship and to perform religious services, publicly as well as privately, the right of a free press, the right to care for its poor and other needy members, and the right to preach the truths of religion and morality.

15. A. C.: *But aren't these rights safeguarded in this country?*

MSGR. R.: Certainly the last four are. In different ways and degrees they are not, however, safeguarded in other countries, such as Russia, Mexico and Germany. It is important that our citizens know how vital are these rights and their preservation. In all the States of our country the rights to carry on religious worship, to perform religious services and to preach the truths of religion and morality are fully guaranteed and enjoyed and there is no law, federal or State, to prevent Catholic papers or Catholic books from publishing what they like; our laws, too, fully protect the rights of the Church to care for its poor, orphans, and so forth. If any exceptions exist they are of minor importance and result from administrative officiousness—not unjust legislation.

16. A. C.: *What about the right to educate?*

MSGR. R.: Since the highest goods of life are spiritual and since the supreme duty of man is to save his soul, religious education is the most necessary kind of education. Only the Church can adequately and authoritatively impart it. Happily this right is recognized by the laws of the United States as regards instruction in churches and in parochial schools. If the State maintained no schools of its own; if it left all education to the voluntary action of individuals and private groups, the Church would have no reason to complain. She would be at no disadvantage as compared with non-Catholics. As a matter of fact, the State maintains a system of schools which is not completely satisfactory to Catholics, inasmuch as no place is given to morality and religion. Since the Church realizes that the teaching of religion and instruction in the secular branches cannot rightfully or successfully be separated one from the other, she is compelled to maintain her own system of schools for general education as well as for religious instruction.

17. A. C.: *But since the Church has its school system, what is there to worry about?*

MSGR. R.: Inasmuch as Catholic citizens are obliged to contribute on the same terms as all other citizens to the support of the State schools, they are thus required to bear a double burden under the head of education. This inconvenience could be justified, indeed, if State schools could

find no way to include religion in their curricula. There exists no such impossibility. It is practicable to make religion one of the regular subjects of instruction in State supported schools. Great Britain, Canada and other countries give financial support to schools which are under the immediate direction of the various religious denominations, and the members of each denomination receive the kind of religious training that they desire.

This should not be construed as a demand for a denominational public school system instead of the one we have in the United States. This matter is too difficult and complex to discuss adequately now. But it is necessary to point out that the right of the Church to educate her children is not realized in our system of public schools.

18. A. C.: *Suppose any of these rights were threatened by new laws. What could we do about it?*

MSGR. R.: All Catholic citizens would be morally obliged to resist such encroachment by all lawful means and to exert every lawful effort to obtain the repeal of the laws and the removal of the offending officials. Nor would this be "going into politics." Every citizen has both the right and the duty to bring about the repeal of unjust legislation. A Catholic citizen would have the right and the duty to oppose any unjust laws aimed at the rights of the Church or of individual Catholics. Catholic citizens may properly appeal to legislators and to candidates for office, may threaten to vote against and actually vote against

candidates who support legislation of this kind; but they do not need to organize themselves into a Catholic political party. Neither the Church as such nor the Catholic body as such should identify itself with or give its constant support to any partisan organization of a political character. This kind of political action the Holy Father has forbidden to Catholic Action. Nor should local Catholic bodies, such as a parish or a group of parishes, commit themselves to the general support of one political party rather than another. While such a course may sometimes seem to be beneficial, in the long run the advantages are more than offset by the disadvantages.

H. THE STATE

19. A. C.: *You were talking about the State awhile back. You said that also was a "perfect" society.*

MSGR. R.: Yes, it is not a part of nor directly subordinate to any other society, and it has within itself all the means necessary for self-preservation and the attainment of its end. It is not directly subordinate even to the Church. Pope Leo XIII shows this clearly in his "Christian Constitution of States":

"The Almighty, therefore, has appointed the charge of the human race between two powers, the ecclesiastical and the civil, the one being set over Divine, the other over human things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the

nature and special object of the province of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right."

20. A. C.: *What is the purpose of the State?*

MSGR. R.: The end of the State is the common temporal good of all its members. This means their welfare as a community, as members of families, as members of social classes and, so far as feasible, as individuals. In his encyclical on "The Condition of Labor," Pope Leo XIII said that the rulers of the State should "anxiously safeguard the community and all its members." In fact, the ultimate end of the State can only be described in terms of individual welfare; for the State does not exist for its own sake; it is not an end in itself.

21. A. C.: *What do you mean by the term "temporal good"—material things?*

MSGR. R.: No, not entirely—I used it in contradistinction to "spiritual." To provide the latter kind of good is, of course, the function of the Church. Temporal good means the things that are necessary and attainable in man's temporal life, his life on earth. These goods are partly material and partly non-material. They comprise all the external goods of soul and body: protection and promotion of the religious and moral welfare of the citizens; provision of a reasonable amount of facilities for education; protection of bodily integrity, of liberty and of property, and provision of reasonable economic opportunities.

22. A. C.: *How does the State go about attaining the common good of its members?*

MSGR. R.: The means are legislation, administration, the functions of the judiciary and the sanctions provided by the police and the military.

23. A. C.: *Since the State is a perfect society, it may do as it pleases, may it not?*

MSGR. R.: While the State is a perfect society, having its own sphere and its own functions, its power is not morally unlimited. It may not do what it pleases. It is not above nor independent of the moral law. Since it is an association of human beings, it is bound by the same rules of morality that apply to human individuals. To be sure, it may lawfully do some things that are not permitted to individuals, such as punishing criminals and making war, because these are necessary for its adequate functioning. In general, however, the actions of the State are completely subject to the rules and principles of morality.

24. A. C.: *What is the duty of the citizens of the State?*

MSGR. R.: All members of the State are morally bound to obey all just civil laws and to be faithful and constant in supporting the government of their country. These are moral obligations because the State is a divinely ordained society for the promotion of the common good. This recalls the words of St. Paul in his Epistle to the Romans: "Let every soul be subject to higher powers, for there is no power but from God and those

that are, are ordained of God. Therefore he that resisteth the power resisteth the ordinance of God. And they that resist purchase to themselves damnation."

25. A. C.: *You pointed out that a Catholic has social as well as individual duties to the Church; that in addition to obedience and loyalty he should co-operate with his fellow Catholics in promoting the welfare of the Church as a society, as a supernatural organization. Does the citizen owe co-operation with his fellow citizens in promoting the common good as well as personal obedience and loyalty to the State?*

MSGR. R.: Indeed yes. This wider duty is enjoined by a special kind of justice, called legal justice; or social justice. Among the forms of the common good which at the present time demand particular attention from the American Catholic citizen are those which fall under the heads of morality, economics and politics.

26. A. C.: *Morality, did you say?*

MSGR. R.: Yes, and in this regard the Catholic citizen is in a better position and is charged with a greater responsibility than the majority of his non-Catholic fellow citizens, because of the guidance which he receives from the Church. The Church authoritatively teaches, interprets and applies the whole of the moral law. Obviously the common good will be furthered in proportion as the laws of the State are in agreement with the principles of morality. Therefore, the Catholic

citizen has a strict obligation to try to bring civil ordinances into harmony with Christian moral precepts.

27. A. C.: *Such as?*

MSGR. R.: One of the most important forms of civil legislation involved here is that which has to do with marital and sexual life. No Catholic legislator nor any Catholic private citizen is justified in promoting laws which facilitate divorce because divorce is contrary to the moral law. On the contrary, Catholic citizens are morally obliged to use every reasonable means to make our divorce laws stricter so that divorces will be reduced to a minimum. Since the Pope has condemned human sterilization as immoral, all Catholic citizens should oppose legislation which authorizes this abominable device and should strive for the repeal of the sterilization laws now upon the statute books of our States. For the same reason Catholic citizens are morally bound to oppose legislation which would make easier the diffusion of information concerning contraception, and to support legislation which prohibits this perversion of the marital relation.

28. A. C.: *But those are strictly religious duties, aren't they?*

MSGR. R.: In fulfilling such obligations, the Catholic citizen can be assured that he is not only doing his duty as a Catholic, but promoting the welfare of the State. In the United States, divorce has become one of the greatest injuries to

the common good; sterilization is one of the most superficial and ineffective remedies that has ever emerged from the halls of legislation; and birth control has already brought our country to the verge of a declining population.

29. A. C.: *You said that Catholics should have a particular interest in economics and the common good. Will you further explain this statement?*

MSGR. R.: Yes, Pope Leo XIII and Pope Pius XI have both strongly emphasized the obligation of all Catholics, both the clergy and the laity, to study and to strive for the solution of economic problems and the establishment of social justice. In order to act intelligently or effectively in this field the Catholic citizen must obtain specific knowledge. Here are some passages from the Holy Father's encyclical on "Atheistic Communism":

If the manner of acting of some Catholics in the social-economic field has left much to be desired, this has often come about because they have not known and pondered sufficiently the teachings of the Sovereign Pontiffs on these questions.

. . . Catholic Action is in effect a social apostolate also, inasmuch as its object is to spread the Kingdom of Jesus Christ not only among individuals, but also in families and in society. It must, therefore, make it a chief aim to train its members with special care and to prepare them to fight the battles of the Lord. This task of formation, now more urgent

and indispensable than ever, which must always precede direct action in the field, will assuredly be served by study-circles, conferences, lecture-courses and the various other activities undertaken with a view to making known the Christian solution of the social problem.

30. A. C.: *Just how far does Catholic Action extend?*

MSGR. R.: The scope of Catholic Action is very comprehensive, indeed. It seeks to apply Catholic principles to all departments of life; for instance, to moral conditions, industrial relations, political relations, race relations, and international relations.

Pope Pius discusses the function of Catholic Action in this connection in his Encyclical "Quadragesimo Anno," when he is talking about the initiation of a better social order. This is the section: "We believe . . . that the end intended—[i. e., a better social order]—will be the more certainly obtained, the greater the contribution furnished by men of technical, commercial and social competence, and, more still, by Catholic principles and their application. We look for this contribution, not to Catholic Action (which has no intention of displaying any strictly syndical [i. e., characteristic of labor unions or employers' associations] or political activities) but to Our sons, whom Catholic Action imbues with these principles and trains for the Apostolate under the guidance and direction of the Church."

31. A. C.: *What is the relationship of government and of the obligation of Catholics to these eco-*

conomic problems and the better social order the Holy Father wants?

MSGR. R.: These problems, for instance, the right of labor to organize, the establishment of living wages, the abolition of unemployment, the repression of private economic domination, all require action by the State. Upon Catholic citizens, therefore, rests a solemn obligation to contribute intelligently, effectively, "loyally and generously" toward the enactment of the necessary legislation.

32. A. C.: *Such obligations seem simple enough.*

MSGR. R.: Unfortunately, it cannot be said that the majority of Catholic citizens in our country have fulfilled these duties to anything like the full extent of their powers and opportunities. All too frequently Catholic voters give their support to candidates for public office who are opposed to legislation favoring social justice, and they neglect to help candidates who have the desire and ability to bring about laws for the betterment of social and economic conditions. In legislative halls there are to be found some Catholics who are guilty of the same sins of commission and omission. However, these faults and failures in the case of both private citizens and public officials seem to be due more to ignorance, indifference and laziness than to a deliberate desire to perpetuate economic injustice. A large proportion of Catholic citizens do not perceive that the obligation of promoting social justice implies study and inquiry in order to know which legislative measures are conducive and which are not conducive to the common good.

33. A. C.: *We certainly need to know more about economic matters. There was one other field in which you said Catholics have special duties.*

MSGR. R.: The third field in which Catholic citizens have definite and important duties is that of politics, or political activities. In his encyclical on the "Christian Constitution of States," Pope Leo XIII emphasized "the duty of all Catholics worthy of the name . . . to make use of popular institutions, so far as can honestly be done, for the advancement of truth and righteousness . . ." Here again the basis of the duties is the common good. In a country which has a representative form of government, furtherance of the common good is effected mainly by elected officials, executive, legislative, and judicial. The responsibility of selecting honest and competent officials rests upon the voters. The obligation of the citizens as voters was stated very well a few years ago in a work approved by the cardinals and archbishops of France entitled, *Principes Catholiques d'Action Civique*. Here it is:

To the extent that the constitution of the state establishes the right of voting as a means of participating in the conduct of public affairs, the citizens, inasmuch as they are bound to use this right for the public good, should regard its exercise as a matter of conscience. Therefore, they are obliged, first, to make use of this constitutional right and, second, to use it for the common good.

34. A. C.: *Do not government officials have a special responsibility for the common good?*

MSGR. R.: Obviously, the responsibility and obligations of officials with regard to the common good are even greater than the responsibilities and obligations of private citizens. A very common form of anti-social conduct on the part of public officials is exhibited in the dishonest performances covered by the terms, bribery and graft. An official accepts from a private person or corporation something of value on condition that he will fail in the fulfillment of his public duties. Some examples: He lets a contract to a high bidder in return for personal gain; or he pays an unnecessarily high price for goods intended for public use and receives part of the payment, in return, as a kind of rebate; or he accepts gifts upon his promise to buy from Smith rather than from Jones; or he permits the law to be violated in return for gain to himself; or he gives advance information to a few of his friends in order that they may profit by the increase in the value of land that will follow the execution of public improvements.

35. A. C.: *Do you think all Catholics realize the grievousness of such actions? I know a few Catholics—*

MSGR. R.: I suppose you do. All such practices are forbidden by the moral law as well as the civil law and yet some of the most conspicuous offenders against these prohibitions in our cities have been Catholics. It is not pleasant to believe that they have realized their wrongdoing all of the time.

Their corrupt practices might, in some cases, result from the conscious or unconscious dissociation of morality from the political sphere. For that reason it seems vital that we should have more moral teaching and preaching from the pulpit and in the schools on the civic duties of Catholics, on the evils of graft and on the obligations of social justice, too.

36. A. C.: *What about the voters' duties in this connection?*

MSGR. R.: The Catholic citizen has several important duties as a voter. In the first place, he is morally bound to make use of the electoral franchise. From the performance of this duty he can be excused only by a correspondingly grave inconvenience. Since public officials possess great power either to harm or to benefit the community, those who select them are charged with grave responsibility.

The Catholic citizen is also obliged to vote intelligently and honestly. He does wrong when he casts his ballot for incompetent or corrupt candidates on the lazy assumption that their opponents are just as bad, or because he desires to put a friend or a fellow Catholic into office. Legal justice obliges the voter to exercise the franchise always for the common good, not for private advantage.

Finally, the Catholic citizen is morally bound to acquaint himself, so far as he reasonably can, with the merits of candidates and with the public policies which promote the common good. He should vote only for those candidates who understand and advocate the right policies in the halls

of the legislature. Lawmakers need to possess something more than elementary honesty. They must know the measures that are best for the common welfare and must have the ability to advocate and the courage to fight for them. Therefore, the voter is under obligation to pay specific attention to these qualifications in making his choice among legislative candidates.

37. A. C.: *Thank you, Monsignor Ryan, I feel clearer about the nature of my civic obligations now. Is there any final word which you would wish to have me keep in mind?*

MSGR. R.: Yes, I should like you to see an extract on politics and good citizenship from the Pastoral Letter of the Hierarchy of the United States issued in 1920.* Here it is.

In its primary meaning, politics has for its aim the administration of government in accordance with the express will of the people and for their best interests. This can be accomplished by the adoption of right principles, the choice of worthy candidates for office, the direction of partisan effort toward the nation's true welfare and the purity of elections; but not by dishonesty. The idea that politics is exempt from the requirements of morality, is both false and pernicious; it is practically equivalent to the notion that in government there is neither right nor wrong, and that the will of the people is simply an instrument to be used for private advantage. The expression or application of such views accounts for the

tendency, on the part of many of our citizens, to hold aloof from politics. But their abstention will not effect the needed reform, nor will it arouse from their apathy the still larger number who are so intent upon their own pursuits that they have no inclination for political duties. Each citizen should devote a reasonable amount of time and energy to the maintenance of right government by the exercise of his political rights and privileges. He should understand the issues that are brought before the people and co-operate with his fellow citizens in securing, by all legitimate means, the wisest solution.

* Published by the National Catholic Welfare Conference, 1312 Massachusetts Avenue NW., Washington, D. C.

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APPENDIX

QUOTATIONS FROM THE ENCYCLICAL OF POPE LEO XIII ON
"THE CHIEF DUTIES OF CHRISTIANS AS CITIZENS"
(January 10, 1890)

Necessity of Christian Principles. "From day to day it becomes more and more evident how needful it is that the principles of Christian wisdom should be ever borne in mind, and that the life, the morals, and the institutions of nations should be wholly conformed to them. From the fact of these principles having been disregarded, mischiefs so vast have accrued that no right-minded man can face the trials of the time being without grave solicitude, nor contemplate the future without serious alarm."

The State Should Uphold the Moral Law. "What applies to individual men applies equally to society—domestic alike and civil. Nature did not fashion society with intent that man should seek in it his last end, but that in it and through it he should find suitable aids whereby to attain to his own perfection. If, then, a civil government strives after external advantages merely, and the attainment of such objects as adorn life; if in administering public affairs it is wont to put God aside, and show no solicitude for the upholding of moral law; it deflects woefully from its right course and from the injunctions of nature."

Religion the Remedy of the Nations' Ills. "The present century has encountered notable disasters, nor is it clear that some equally terrible are not impending. The very times in which we live are warning us to seek remedies there where alone they are to be found—namely, by re-establishing in the family circle and throughout the whole range of society the doctrines and practices of Christian religion. In this lies the sole means of freeing us from the ills now weighing us down, of forestalling the dangers now threatening the world."

Love of Country and Love of Church Have Same Source. "Now, if the natural law enjoins us to love devotedly and to defend the country in which we had birth, and in which

we were brought up, so that every good citizen hesitates not to face death for his native land, very much more is it the urgent duty of Christians to be ever quickened by like feelings towards the Church. For the Church is the holy city of the living God. . . . Moreover, if we would judge aright, the supernatural love for the Church and the natural love of our own country proceed from the same eternal principle, since God Himself is their Author and originating Cause. Consequently it follows that between the duties they respectively enjoin, neither can come into collision with the other."

Authority Proceeds from God. "Law is of its very essence a mandate of right reason, proclaimed by a properly constituted authority for the common good. But true and legitimate authority is void of sanction, unless it proceed from God the supreme Ruler and Lord of all. The Almighty alone can commit power to a man over his fellow men; nor may that be accounted as right reason which is in disaccord with truth and with divine reason; nor that held to be true good which is repugnant to the supreme and unchangeable good, or that wrests aside and draws away the wills of men from the charity of God."

The Essential Duty of Christian Citizens. "Wherefore, to love both countries, that of earth below and that of heaven above, yet in such mode that the love of our heavenly surpass the love of our earthly home, and that human laws be never set above the divine law, is the essential duty of Christians, and the fountainhead, so to say, from which all other duties spring."

The Church Cannot Identify Herself with Politics. "A notable difference exists between every kind of civil rule and that of the kingdom of Christ. If this latter bear a certain likeness and character to a civil kingdom, it is distinguished from it by its origin, principle, and essence. The Church, therefore, possesses the right to exist and to protect herself by institutions and laws in accordance with her nature. And since she not only is a perfect society in herself, but superior to every other society of human growth,

she resolutely refuses, prompted alike by right and by duty, to link herself to any mere party and to subject herself to the fleeting exigencies of politics."

No Antagonism Between Church and State. "The Church alike and the State, doubtless, both possess individual sovereignty; hence, in the carrying out of public affairs, neither obeys the other within the limits to which each is restricted by its constitution. It does not hence follow, however, that Church and State are in any manner severed, and still less antagonistic. Nature, in fact, has given us not only physical existence, but moral life likewise. Hence, from the tranquillity of public order, whose immediate purpose is civil society, man expects that this may be able to secure all his needful well-being, and still more supply the sheltering care which perfects his moral life, which consists in the knowledge and practice of the true religion; . . ."

Duty of Lawmakers. "They who are engaged in framing constitutions and in enacting laws should bear in mind the moral and religious nature of man, and take care to help him, but in a right and orderly way, to gain perfection, neither enjoining nor forbidding anything save what is reasonably consistent with civil as well as with religious requirements. On this very account the Church cannot stand by, indifferent as to the import and significance of laws enacted by the State; not in so far indeed as they refer to the State, but in so far as, passing beyond their due limits they trench upon the rights of the Church."

N. C. W. C. STUDY CLUB OUTLINE

I

1. What is the difference between society and a society?
2. Distinguish between necessary societies and perfect societies.
3. What Scriptural foundation is there for the statement that the Church is an independent and complete society?
4. For what end was the Church instituted? How is it governed?
5. By what means are the members of the Church to attain their supernatural end?

Suggested paper: Review of Chapter IV in "Man and Society," F. J. Haas, D. Appleton-Century Co.

II

6. What are the obligations resting upon the members of the Church and how do they apply to the personal relations between individuals and the Church?
7. Why do these duties apply to social life?
8. How are the rights to religious worship, to perform religious services and preach the truths of religion and morality safeguarded in the United States? In other countries?
9. Why is religious education so important and how are the rights of the Church in this regard respected in the United States?
10. What means are open to Catholics to prevent or rectify encroachment by law on these rights of the Church?

Suggested paper: Review of Pope Pius XI's Encyclical, "The Church in Germany" (N. C. W. C., 10c).

III

11. Do the Church and State have conflicting jurisdictions?
12. Is the State an end in itself? What is its end?
13. What is comprised in the term "common temporal good" and by what means is it attained?

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14. Why is not the State, as a "perfect" society, independent of the moral law?
15. Are the obligations of citizens to obey just laws and support the government moral ones? Why?
Suggested paper: Review of the Appendix.

IV

16. Give examples of types of legislation under the head of morality towards which Catholics as citizens have a social responsibility.
17. Why should Catholics obtain specific knowledge regarding economic problems and social justice?
18. What relation to a better social order do the following have: Catholic Action? The State? Catholic citizens?
Suggested paper: Review of Encyclical, "Atheistic Communism" (N. C. W. C., 10c).

V

19. How and why do Catholics often fail in their responsibility as voters? What are their obligations toward the common good?
20. What are some of the most common breaches committed by public officials, Catholics included, and what is suggested to help remedy them?
21. What responsibility do the voters have for these offenses.
22. What is the aim of true politics and how can it best be accomplished?
Suggested paper: Review of "Civic and Political Morality," by Rt. Rev. John A. Ryan, *Catholic Action*, September, 1933.

SUGGESTIONS FOR STUDY CLUBS ON CHRISTIAN DEMOCRACY

1. The study club is not a group to listen to lectures. It is for informal discussion. It is small—ten or twelve to twenty or so—so as to permit general discussion.
2. There is a discussion leader.
3. The group may consist of persons of various occupations and interests or of special groups. A number of small study groups established within each organization is desirable.
4. Meetings are once a week or once every two weeks or once a month.
5. Every member should have at least the text and the outline.
6. Reference Shelf or Table is helpful.
7. The discussion, as a rule, follows the outline point by point. The section of the text to be discussed should be read before the meeting by each member.
8. Use questions at the end of the meeting to recapitulate.
9. Reports or papers called for by the outline should be brief.
10. Short summary of previous meeting by different member each time ensures continuity.
11. Begin meeting and close it on time.
12. The purposes of the group are:
 - (a) So its members will know the teaching of the Church on social and political relations.
 - (b) So they can speak at Catholic meetings.
 - (c) So they can be leaders in the activity of Catholic organizations.
 - (d) So they can apply the teachings in their civic life.
 - (e) So they can guide the civic and political organizations to which they belong.
 - (f) So they will be better Catholics.
 - (h) So they will be better citizens.
13. If the group is an offshoot or a part of another organization they should report their conclusions to the parent organization, because one of the chief purposes of the club or committee is to pass on their information, point of view and enthusiasm to the Catholics of their community and to make the club's work definitely a part of the parent organization's work.

For further information and assistance, write:

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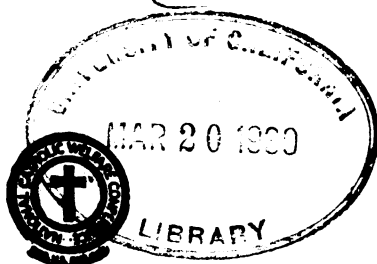
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5

RELATION OF CATHOLICISM to FASCISM, COMMUNISM and DEMOCRACY

By

RT. REV. MSGR. JOHN A. RYAN, D.D.



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THE RELATION OF CATHOLICISM TO — FASCISM, COMMUNISM AND DEMOCRACY¹

RT. REV. MSGR. JOHN A. RYAN, D.D.

THE right to rule is not necessarily, however, bound up with any special mode of government. It may take this or that form, provided only that it be of a nature to insure the general welfare."

These sentences, quoted from the Encyclical of Pope Leo XIII, "On the Christian Constitution of States," show that more than one form of government may be satisfactory to Catholicism. The only important limitation is that the polity must be conducive to the general welfare. In 1885, when this Encyclical was published, the principal forms of government were classified as monarchy, aristocracy and democracy. Nevertheless, very few of the contemporary governmental systems exactly exemplified any of these forms. The great majority of the monarchical states included some elements of aristocracy and some democratic elements. No state possessed either an exclusively aristocratic or a purely democratic government. The principle of aristocracy was found in the upper legislative chamber of many monarchical states, while the principle of democracy was operative in the election of representatives in most monarchical states and in all democratic states. In a word, almost all the then existing governments exhibited large variations from the three classical types.

¹ Text of an address delivered before the American Sociological Society, Section of the Sociology of Religion, at Atlantic City, N. J., December 30, 1937.

Since Pope Leo's time two other variations have appeared which depart sufficiently from the old forms to deserve new designation. These are Fascism and Communism. Superficially considered, the present government of Italy is a combination of monarchism and republicanism. The political system of Soviet Russia calls itself the "Union of Soviet Socialist Republics." Nevertheless, both these governments have features of their own which are more important than any resemblances between them and any of the three traditional forms.

FASCISM

In its political constitution, Fascism is a dictatorship, tempered by some of the appearances of popular representation. While Mussolini carries on his government with the assistance of parliament, the latter is not genuinely democratic either in its composition or in its source. In an address delivered in Perugia, August 20, 1925, Signor Alfredo Rocco, then Minister of Justice in the Italian cabinet and Dean of the Faculty of Law at the University of Padua, explored and set forth what he called the "inner essence" of Fascism. After reading the address, Mussolini congratulated its author for having "presented in a masterly way the doctrine of Fascism."² According to Signor Rocco, ultimate political power cannot safely be entrusted to the masses: the normal control of the commonwealth should be in the hands of "a selected elite."

² An English translation of Signor Rocco's speech under the title "The Political Doctrine of Fascism," was published by the Carnegie Endowment for International Peace in the October, 1929, issue of "International Conciliation."

Is such a constitution contrary to Catholic teaching? The answer is neither easy nor simple. If the Fascist government promotes the common good to a reasonable degree, it attains the true end of the state. On the other hand, if it has been imposed by force, and if it operates without the consent of the majority or the "greater and saner part" of the community, it seems to exemplify the immoral exercise of violence. Whence do the Fascist "elite" derive the right to rule over an unwilling majority? Only two possible sources are conceivable: The inability of the community to provide or sustain any other regime which would promote adequately the common good; or the injury which the community would suffer from an attempt to overthrow the Fascist regime by force. It would be difficult to prove that the first condition is verified in present-day Italy. The second may be a fact. On the other hand, if the majority or the "greater and saner part" of the people acquiesce in the rule of a self-chosen elite, a ruling class which is tolerably efficient, there seems to be no way of proving that such a government is contrary either to Catholicism or to right reason.

More important than the political constitution of the state is its attitude toward the human beings who are its members. In the address by Signor Rocco cited above, we are informed that Fascism regards civil society "as a succession of generations and not as a collection of individuals." The social group is "the recapitulating unity of the indefinite series of generations. . . . Individuals come into being, grow and die, followed by others, unceasingly; social unity remains always identical to it-

self. . . . For Fascism, society is an end, individuals the means and its whole life consists in using individuals as instruments for its social ends. . . . Individual rights are recognized only in so far as they are implied in the rights of the state." Although the Fascist government includes certain appearances of representative government, it is in reality a dictatorship. This dictatorship is to be preserved by propaganda if possible, by violence if necessary. Finally, Fascism rejects liberty of speech, of the press, of assembly and of political opposition.

All these attitudes and principles are contrary to Catholic doctrine. Catholicism holds that the state exists for the individual, rather than the individual for the state. It holds that the individual has certain natural rights which the state may not disregard. Among these rights are those of life and a reasonable amount of liberty of movement, speech, writing and assembly.

The question may be raised why these erroneous principles have not encountered explicit condemnation by the Church as they are exemplified in Italian Fascism. As a matter of fact, they have been so condemned. For example, the present Pope in his allocution to the Cardinals in the month of December, 1926, made the following reference to political Fascism: "We again see a conception of the state making headway which is not a Catholic conception because it makes the state an end unto itself and citizens mere means to that end, absorbing and monopolizing everything." Probably the main reason why this doctrine of state omnipotence has not been more frequently denounced is to be found in two important facts: First, the Fascist

government has not enunciated it frequently; second, it has only rarely put the doctrine into practice. The Fascist government has been content to let its totalitarian principles remain for the most part in the realm of inoperative theory. For example, it has made a concordat with the Church, thus recognizing the juridical existence of the latter.

So much for the political theory of Fascism. It also includes important economic theories and a distinctive economic structure. These features are generally described under the term "the corporative state." Through a series of laws enacted by the Fascist government in 1926, 1927 and 1928 all occupations and industries in Italy were divided into fourteen Syndicates under a Ministry of Corporations. The Syndicates comprised workers as well as employers and possessed some power of nominating candidates for the Chamber of Deputies. In 1934 these ordinances were drastically revised. The Syndicates are now subject to twenty-two Corporations under the control of the Ministry of Corporations and have no political functions. The Ministry of Corporations regulates production, prices, and other matters of industrial policy and its orders are executed by the Corporations.

Private property is retained except in a few of the basic public utilities. Economic classes remain, as also does the opportunity to make profits. Strikes and lock-outs are forbidden and, in general, both employers and employes are minutely subjected to the state; that is, to the Ministry of Corporations. Wealth is regarded as primarily social, since the

right of profit like all rights is regarded as derived from the state. Private property and the use of wealth are lawful only in so far as they are conducive to the public welfare.

While it would be difficult to prove that the economic institutions of Fascism directly conflict with specific principles of Catholicism, it is evident that they are not in harmony with Catholic social thought and traditions. The spirit of these is democratic and local rather than dictatorial and centralized. It was embodied in the medieval guilds and has found expression in the Encyclical of Pope Pius XI, *Quadragesimo Anno*. Although the vocational group system set forth in the Encyclical is sometimes described as corporative, this designation is misleading. The Pope himself distinguished clearly between the Fascist corporative state and his own proposed system. In *Quadragesimo Anno* he described the former as "a special syndical and corporative organization," and passed upon it the following judgment:

We feel bound to add that to Our knowledge there are some who fear that the state is substituting itself in the place of private initiative, instead of limiting itself to necessary and sufficient help and assistance. It is feared that the new syndical and corporative institution possesses an excessively bureaucratic and political character, and that, notwithstanding the general advantages referred to above, it risks serving particular political aims rather than contributing to the initiation of a better social order.

In the field of international relations, Fascism cherishes and promotes a degree of nationalism which is incompatible with the doctrine and practice of Christian brotherhood. In his Encyclical,

"On the Peace of Christ," Pope Pius XI thus stigmatizes excessive nationalism:

Patriotism—the stimulus of so many virtues and of so many noble acts of heroism when kept within the bounds of the law of Christ—becomes merely an occasion, an added incentive, to grave injustice when true love of country is debased to the condition of an extreme nationalism, when we forget that all men are our brothers and we members of the same great human family, that other nations have an equal right with us both to life and to prosperity, that it is never lawful nor even wise to dissociate morality from the affairs of practical life, that in the last analysis, it is "justice which exalteth a nation: but sin maketh nations miserable."

As an almost necessary corollary of the doctrine of nationalism which it professes, Fascism believes in war as a normal means of promoting national welfare and national aggrandizement. The immorality of all this is obvious.

NAZIISM

Although the term Fascism cannot properly be applied to the political regime now established in Germany, the two systems have a good deal in common. Like Fascism, Naziism holds that all rights, personal, political, economic, religious, etc., originate with and can be modified at will by the state. Like Fascism, Naziism is in conflict with the Catholic teaching on individual rights and other relations between the state and the individual. In practice, Naziism deprives the Church of necessary freedom of worship and freedom of education. Like Fascism, it is excessively nationalistic. Moreover, it adheres to a theory of racial superiority

and racial purity which are without foundation in fact, and which have been used as a pretext for an enormous amount of injustice and uncharity toward the Jewish race. Like Fascism, Naziism does not permit the formation of voluntary political societies. It has destroyed the Center Party in Germany. Like Fascism, it does not tolerate effective trade unionism. In its treatment of both trade unions and political societies, it has violated the principle laid down by Pope Leo XIII in his Encyclical *Rerum Novarum*:

Particular societies, then, although they exist within the State, and are each a part of the State, nevertheless cannot be prohibited by the State absolutely and as such. For to enter into "society" of this kind is the natural right of man; and the State must protect natural rights, not destroy them; and if it forbids its citizens to form associations, it contradicts the very principle of its own existence; for both they and it exist in virtue of the same principle, viz., the natural propensity of man to live in society.

The attitude of the American Hierarchy toward the present regime in Germany was expressed at their annual meeting held in Washington in November, 1937:

Today the sense of all religious-minded men and women throughout the world is outraged by the Satanic resourcefulness of these leaders of modern paganism and by the incredible excesses committed by them in their attempt to exterminate religion and to blot out from the minds of the German people all true knowledge and love of God.

FASCISM IN PORTUGAL?

Although the present government of Portugal is sometimes classified as Fascist, the designation is more misleading than exact. Portugal is, indeed,

a corporative state. It calls itself "a Unitary and Corporative Republic." It is not genuinely nor completely totalitarian; for it recognizes the existence of natural rights both of the individual and the family and it acknowledges the limitations placed upon governmental power by the laws of morality. It admits liberty of expression, of education and of association, in so far as these are compatible with the common good and the maintenance of the juridical and moral order. The chief executive and the members of the National Assembly are chosen periodically by the direct suffrage of the eligible voters. There is a second legislative house called the Corporative Chamber whose functions seem to be mostly advisory and which is composed of persons representing the various local and social interests. The economic corporations, a combination of employer and employe groups, seem to have much the same functions as those in Italy, but they appear to enjoy a much greater degree of self-determination and self-government. Apparently, there is nothing in either the political or economic Constitution of Portugal which is out of harmony with Catholicism.

COMMUNISM

The attitude of the Catholic Church toward Communism is clear, decisive, and long established. It is an attitude of comprehensive condemnation. Between 1924 and 1937 the present Holy Father denounced Communism in at least half a dozen Encyclicals or other productions, principally in his Encyclicals *Quadragesimo Anno* and "Atheistic Communism." In the former document, he con-

demned "the merciless class warfare" of Communism, its "complete abolition of private ownership," its violent methods and its monstrous inhumanity. In the Encyclical on "Atheistic Communism," which was issued March 19, 1937, Pius XI condemned the Communist doctrines which uphold materialistic evolution, which deny natural right to human personality, which regard "marriage and family as a purely artificial and civil institution," and which "recognize in the collectivity the right, or rather, unlimited discretion to draft individuals for the labor of the collectivity with no regard for their personal welfare. . . ."

The Holy Father's indictment of Soviet Communism has recently received abundant confirmation from an unexpected source. In his book, "Assignment in Utopia," Eugene Lyons who from 1929 to 1934 was the Moscow correspondent of the United Press, who had gone to Russia as a firm believer in the Soviet system and who became disillusioned only gradually and reluctantly, declares that "the Bolsheviks were propagating a type of thinking—a disdain for human life, a contempt for truth and a glorification of group force—which was essentially Fascist and totalitarian." Two other passages are worth quoting from the same book in this connection:

I left Russia and Europe convinced that the immediate task—for those who have the urge to participate consciously in the historical processes of their lifetime—is to defend the basic concepts of freedom, human necessities, intellectual integrity, respect for life. . . . I am convinced that any philosophy of human progress which does not rest uncompromisingly on respect for life, no matter how honest its original intent is, becomes brutalized and defeats its own professed purpose.

Catholics oppose Communism not merely on the basis of authority, but also on the basis of its nefarious political and economic constitution. As a political system it is, like Fascism and Naziism, totalitarian. It holds that all individual rights of every description come from the state and can be destroyed at will by the state. It centralizes all power—executive, legislative and judicial—in one man. It accepts and acts upon the doctrine that the end justifies the means. It suppresses liberty of speech, of the press, of assembly and political opposition. It believes in violent overthrow of all bourgeois governments. Under its economic aspects, it holds that all land and sources of production belonging to individuals or associations may be violently seized without compensation. It aims at the elimination of the class struggle by eliminating all other classes than the proletariat. It substitutes for “wage slavery” under capitalism, serfdom under a Communist dictator.

DEMOCRACY

The word “democracy” has several meanings, but only two of them will be considered here. In its most widely accepted sense, it means government with the consent of the governed. In the next most important sense, it indicates the form of political organization known as representative government. The former principle was explicitly defended by a long list of Catholic theologians and canonists between the ninth and the sixteenth centuries. Hincmar of Rheims, Manegold of Lautenbach, William of Auvergne, Thomas Aquinas and Duns Scotus—are the principal names. At the

end of the sixteenth century and at the beginning of the seventeenth, the traditional Catholic doctrine on the right of self-government received its final and systematic form at the hands of Cardinal Robert Bellarmine, S.J., and Reverend Francisco Suarez, S.J. It may be thus summarized: political authority comes from God directly to the whole community; from the community it is transferred to the particular ruler, who may be a king, a parliament or an aristocratic group; and the community has the right to determine which of these polities it will have.

It is to be observed that Bellarmine and Suarez were discussing not the best form of government, but the moral origin of political authority. Much of what they wrote was directed against the doctrine of the divine right of kings as defended by King James I of England. The latter maintained that the right to govern came to him, and to every other king, directly from God. Bellarmine and Suarez agreed with James that the right to rule comes to the ruler from God indeed, but indirectly; that is, through the people by their consent given either explicitly or implicitly.

In recent years, it has been argued with some persuasiveness that the teaching of Bellarmine and Suarez exercised a fairly direct influence upon our American Declaration of Independence. This conclusion is derived from two main facts. In the first place, the treatise on government by Algernon Sidney was very widely read and discussed among Americans at the time when the Declaration was written. Sidney's book included a refutation of Robert Filmer's *Patriarcha*, which had attempted

to refute the theory of Cardinal Bellarmine. Filmer was the private theologian of King James I and the chief exponent of the divine right theory. The second argument for the opinion that we are considering is drawn from the fact that Thomas Jefferson had in his library a copy of *Patriarcha* and also of the writings of Algernon Sidney, and the fact that Cardinal Bellarmine's works were in the library of Princeton University, of which James Madison, one of the framers of the Virginia Declaration of Rights, was a graduate. Whether Jefferson or Madison was, consciously or unconsciously, directly or indirectly, influenced by the doctrine of Bellarmine, the similarities between the latter on the one hand and the Virginia Declaration and the Declaration of Independence on the other are considerable and striking.

The traditional Catholic doctrine concerning the moral origin of political authority includes no declaration concerning forms of government. The community may decide either explicitly or implicitly, either formally or tacitly to have a monarchy, an aristocracy, a democracy or any modification or combination of these which seeks the common good and preserves the rights of individuals.

It is sometimes said that the traditional preference of the Catholic Church has been for monarchy and the opinion of the greatest of the Catholic philosophers and theologians is sometimes cited to this effect. I refer to Saint Thomas Aquinas. As a matter of fact, the polity that he favored would be more accurately described as republican than as monarchical. Here is his statement on this point:

The best arrangement of rulers in any city or kingdom is had when one man is, according to merit, set at the head to preside over all, and under him are others ruling according to merit; yet such a regime is the concern of all because the rulers are not only elected from all but also elected by all.

Cardinal Bellarmine sets forth at greater length substantially the same view. A combination of all that is best in monarchy and democracy and discarding of what is worst must, he says, logically prove to be a "more useful" form of government.

It is a commonplace of history that the Catholic Church has gladly accepted the democratic form of political organization. It is also a historical fact that representative government was exemplified in the local and provincial councils and mixed assemblies of the Church for hundreds of years before the first provincial assembly met in Leon in 1188 and before the first national assembly met in England in 1265. In this connection the following extract from the great work by R. A. and A. J. Carlyle entitled *A History of Medieval Political Theory in the West* is well worth quoting:

In the Empire, in England, in France, in Spain, law was made, so far as it was made at all, by the king but with the advice and approval of the community. It is, of course, true that until the development of the representative system in the twelfth century in Spain and in the thirteenth century in England, there was no formal and direct method of consulting the community; but it is exactly this which gives its importance to the principle, to which we have already referred, that however laws were made, they were required to be confirmed by the custom of those who were concerned. The custom of the community, which had once been the only source of law, continued to be necessary for its validity. (Vol. V, p. 464.)

On page 140 of this same volume, the Carlyles declare: "The rise of the representative system was the intelligible and logical development of the fundamental principles of the political civilization of the Middle Ages."

The immediately foregoing paragraphs may be summed up in the following statement: the right of the people to choose their constitution and rulers and to have, if they so desire, a representative form of government, is in full harmony with the ethical and political doctrines of the Catholic Church.

TOPICS FOR DISCUSSION

1. What is the Catholic teaching with regard to the form a government may take?
2. Contrast Fascism's conception of individuals and society, its economic theories and practice, and its doctrine of nationalism and war with Catholic teaching.
3. A comparison of Naziism and Fascism with regard to relations of the State and the individual; nationalism, freedom of worship and education; theory of racial superiority.
4. A criticism of the principles of Fascism and Naziism on political societies and trade unions in the light of Catholic doctrine.
5. The acceptability of the political and economic constitution of Portugal from a Catholic viewpoint.
6. The attitude of the Catholic Church toward Communism is one of comprehensive condemnation. Why?
7. A comparison of the Communist political system and theories with Fascism and Naziism.
8. A historical sketch of the Catholic defense of democracy, and the practice of democracy in medieval times.
9. A discussion of the theory that Suarez and Bellarmine had an influence on the Declaration of Independence.

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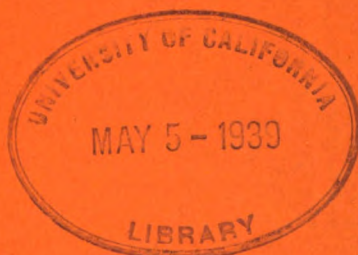
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Freedom
AND
Democracy

A Study of their Enemies

by

Fulton J. Sheen



FREEDOM AND DEMOCRACY

A Study of their Enemies

by

The Right Reverend Monsignor Fulton J. Sheen, Ph. D.,
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Six addresses delivered in the Catholic Hour, produced
by the National Council of Catholic Men, through the
courtesy of the National Broadcasting Company
and associated stations.

(On Sundays from January 3 to February 7, 1937)

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Bishop of Fort Wayne

**TO
MARY IMMACULATE
MOTHER OF MERCY
AND
REFUGE OF SINNERS WHO CRUCIFY**

THE CHURCH AND THE STATE

Address delivered on January 3, 1937.

Greetings and blessings to you all. I hope your New Year will be prosperous, so that being released from material wants, your soul may be free to pursue those spiritual needs which only God can supply. It is hard to pray on an empty stomach, but it is harder to be happy on an empty heart. In order that both may be easy, may God grant you a Prosperous and Happy New Year.

We are beginning this year a radio course entitled *Our Wounded World*, which will be concerned principally with a new philosophy of life which robs man of his freedom because it robs him of God. Today we are concerned principally with two points: (1) how that philosophy arose, with particular reference to the State; and (2) how it affects the Church.

How did the new philosophy arise? It arose as a reaction against what might be called Individualism, or the theory that man is independent of social order, and therefore devoid of social obligations. During the last few centuries since the break-up of Christian unity, individualism has expressed itself in many forms, each of which insisted on the private interpretation of something. Religious individualism emphasized the private interpretation of Sacred Scripture, which ended in as many different religions as there are heads. Economic individualism insisted on private interpretation of business. Business said to the new religion: "If you do not want a Church interpreting your Bible, neither do we want a Bible interpreting our business." The result was Liberalism, which asserted that economic and political order is independent of morality and religion.

There was also Artistic individualism, which asserted the private interpretation of artistic feeling, with the result that paintings were so very individual that judges awarded prizes even to some which were hanging upside down. Finally, there was Philosophical individualism which insisted on the private interpretation of truth and ended by identifying truth with whatever is useful to the individual. In all these forms of individualism, the individual was presumed to be free to decide what was right and wrong without any concern for his duty to society.

The effect of Individualism was the isolation of man from society; that is, it set up the individual as supreme, and denied that any organic society, whether it be the Church or the State, had any right to suggest how a man should conduct either his life or his business. As a matter of fact, any suggestion of State reform was looked upon as an interference with individual rights. The net result of this isolation from society was a kind of competitive individualism in which each man became a wolf to his neighbor. The State born of such "rugged individualism" was like a policeman, having no other function than to keep others from muddling in your economic affairs, without any regard for social control or the good of the commonwealth, or much less, the glory of God.

Such Individualism was selfishness; selfishness naturally led to economic and political chaos, concentration of wealth in the hands of the few, and the gradual impoverishment of the masses. The world then reacted against Individualism, but instead of resting in the golden mean, it swung to the opposite extreme error of Collectivism.

The word Collectivism is here used to cover those new political movements which emphasize the mass, the collectivity, and the State, and includes all Totalitarian States. By this term we wish to dissipate the fallacy which Communism is attempting to spread, namely, that Communism and Fascism are opposed as life is opposed to death, and that the world today must choose between Communism and Fascism. This is not true. Communism loosely applies the term Fascism to anything which is anti-Communistic. It states its major Fascist enemy is Germany. But it forgets that Communism and Nazism agree in holding the error that the individual exists for the State which is controlled by a Dictator, that both agree in the error that the individual enjoys only those rights which the State grants, and that both agree in the same intolerance of political opposition, the same hatred of minorities, the same denial of freedom of the press and the radio, and the same insistence on monopolizing the formation of the minds of the youth. The Fascism of Italy however differs from the Nazism of Germany in that it is not inimical to religion or races, and both differ from Communism in permitting a man to own property.

The choice then before the world is not between Communism and Fascism. The choice is rather between a philosophy of life which respects human dignity, and a philosophy of life which destroys it. In political language it is a struggle between Democracy standing for freedom and Communism standing for dictatorship. From a human point of view, however, some are more dangerous than others, and of all three the one which robs man of every vestige of liberty is Communism. Nazism and Fascism may

mutilate or maim liberty, but Communism kills it. For that reason the Holy Father in his recent Christmas broadcast characterized Communism as "the enemy which is attempting to bring about the ruin of the most fundamental principles of human society, of the family, and of the individual."

Note that the Holy Father opposes Communism not just because it is anti-religious, but because it is anti-human. And true it is, for Communism has taken over not only property but souls. Communism possesses man from the cradle to the grave, by denying that he has any other purpose than the service of the State. It admits of no conscience but State-conscience, and of no morality but State-morality. Worship of the true God in Russia, Mexico, and those parts of Spain where Communism is in power, is therefore nothing short of treason.

Looking back over modern history then, we have this queer picture: Man who once was free to do anything he pleased under Individualism, is now under Communism free to do nothing; man who once could follow any religion he wished, must now follow the religion of the State; and the world which broke away from the Church because it found it "too dogmatic", now finds that under Communism it is subject not to God's truths which make us free, but to State-dogmas which make us slaves.

In summary, the modern world during the last four hundred years has witnessed two extreme solutions of the social problem. First, Individualism which isolated man from society, made him like an arm amputated from the body, and resulted in a State in which each man was a wolf to his neighbor. Then came the other extreme of Collectivism, which

absorbs a man in society like a drop of water is absorbed in a glass of wine, which resulted in Communism in which all are equal because all are equally slaves of the State.

Permit us here to suggest that the position of the Church is a golden mean between these two extremes. She contends that the State is neither a collection of individuals isolated from organic relations one with another, which is Individualism, nor a machine for the production of wealth, which is Communism. The Church says that the State is a moral organism in which each person and class has functions to fulfill, and individual rights and duties in relationship to the whole. Against Individualism the Church asserts that a man is a member of society in an organic way, as the eye and the ear, and the hand and the foot, are all members of the body. A man therefore can no more live apart from society normally than an eye can live apart from the head. On the other hand, against Collectivism, she asserts that human personality has certain rights of which no State can deprive it. Just as the heart, for example, by its very nature has a certain inalienable function in the human body, which cannot be taken over by any other organ, not even by the head, so too a man has certain inalienable rights of which no State can deprive him. The proper concept of the State resides in the golden mean between Individualism, which denies social control, and Communism, which denies personal liberty. The State is neither a policeman as Individualism would have it, nor a nurse as Collectivism would have it. Against Individualism, the Church asserts that man has a duty to work for the common good of the State, and no one, says the

Church, is allowed to pursue those individual interests which endanger the harmony of the whole and the well-being of others. On the other hand, against Communism, the Church says that the well-being of the whole is the well-being of free personalities, each with his own destiny and with certain inalienable rights which no State can take away, because the State is not the source of rights, but God.

This brings us to our final point: namely, how Collectivism, which absorbs man into the State, treats the Church. The new Collectivist State is not always respectful of the true nature of man. And here mention must be made particularly of Mexico, Spain, Germany, and Russia, where the chalice of Gethsemane has been generously dipped to faithful souls. In these countries, the State is organized on a purely secular basis, and has set itself up as a counter-Church, crushing religion by the sheer force of State-power. It is not indifferent to religion as was the Liberal State; it is not merely hostile to it as was the pagan State; but it is hostile *and* possessive. It not only crushes the Church but it takes over its functions, reduces the spiritual to the political, and gives the kingdom of anti-Christ a definite political form and social substance. This means that the conflict of the future, if we are to judge from present facts, is not between Communism and Fascism, for the two are not mutually exclusive, but between a society which recognizes God and a society which calls itself God.

The Church has always come into conflict with the Collectivist State in these countries. She says to the State: "I will render to Caesar the things that are Caesar's, but I insist on being allowed to render to God the things that are God's." The State an-

swers to the Church: "We insist that you render unto Caesar even the things that are God's."

The issue is very much like that which brought Our Lord before Pilate. The charges made against Him were three: "We have found this man perverting our nation and refusing to give tribute to Caesar and saying that He is Christ the King." Every word was a lie. He did not pervert the nation. Rather did He spiritualize it by lifting up weary souls to the blessedness of the Kingdom of God. He did not refuse to give tribute to Caesar, for He commanded that men render unto Caesar that which was Caesar's. He did not call Himself a Political King, but said that His Kingdom was not of this world.

These three charges sent Our Lord to His Cross. The Cross bore an inscription in three languages, Hebrew, Latin, and Greek, symbolic of the three civilizations of Jerusalem, Rome, and Athens. And the false charge in all three was the same. He had called Himself a King. He was anti-State.

And these same charges, which are urged against the Church today in Russia, Germany, Mexico, and Spain, are the direct heirs of the lies urged in the courtroom of Pilate. The Church is unjustly accused of perverting the nation, because she asserts that there is no power in a nation except from above; she is accused of refusing to give tribute to the State, because she refuses to worship the State as a god; she is accused of calling herself a King, because she asserts that Christ is the King of Souls. To the cross she is sentenced on the same false charges. Already four nations have crucified her. It is not the civilization of Rome, Athens, and Jerusalem, but the civilizations of Mexico, Russia, Spain,

and Germany, which nail her to her modern cross. How much longer it will continue, only God knows. But when time ends, what will be the Church's final battle? Who will erect her last cross? The Creed gives the answer. Why, among the four judges, has the Creed retained only the name of Pilate? Annas is not mentioned; neither is Caiphas, nor Herod, nor Judas whose sin was greater than Pilate's. Why is Pilate's alone mentioned? Because Pilate is the symbol of the omnipotent State. His name is not only the record of an historical fact; it may also be a prophecy that in the last and final battle at the end of the world, the Church will go to her crucifixion in exactly the same way that Christ went to His—suffering under Pontius Pilate.

FREEDOM

Address delivered on January 10, 1937.

Last Sunday it was suggested that modern States possessed of dictatorial powers have set themselves up as counter-religions or counter-churches and have persecuted the Church which dares assert that God is above Caesar. In the course of the broadcast we asked you not to be blinded by Communistic propaganda to the effect that the world must choose between Communism and Fascism. If Fascism means, as Communism says it does, the denial of democratic rights; if it means, as Communism says it does, the suppression of minorities; if it means, as Communism says it does, dictatorship and the submerging of the individual into the State, then Communism is Fascism gone mad. It is just such Soviet Fascism or Communism which is threatening the liberties of the world, and it is that point we would prove today, namely, that any State which asserts the primacy of the Divine is a free state, and any state which is anti-spiritual is necessarily a slave state. In order to prove this truth, let us begin with a very simple proposition: the material is the basis of slavery; the spiritual is the basis of freedom.

Matter is always a slave, because by its very nature it is determined to act only one way and not another. Fire, for example, is a slave to heat; ice is a slave to cold. Hence we never praise fire for being hot, nor ice for being cold. They *must* be so; there is no *ought* in their nature.

Now, consider the other principle, the spiritual is the basis of freedom: Take, for example, the *idea* of beautiful. That idea is spiritual; it occupies no

space or time, it has no latitude or longitude, weight or color, and yet is applicable to all the beautiful things in the world. But no one has ever seen the "beautiful", though he may have seen a beautiful flower, or a beautiful child, or a beautiful sunset, or a beautiful face, or a beautiful landscape, or a beautiful anything. Because none of these things completely corresponds to and exhausts the spiritual idea of "beautiful", it follows that the artist is not bound to paint any one of them. He is free in his art because the inspiration of his art is the spiritual idea of the "beautiful" which is infinite and universal, while all the concrete realizations are finite, and the finite cannot force the infinite, any more than a ten pound pull can force a ten ton pedestal from its base. The spiritual is therefore the basis of freedom.

Now we can answer the question: Why is man free? Fundamentally because man has not only a body which is material, but also a soul which is spiritual. The spiritual is the basis of freedom; that is why God Who is Pure Spirit is also Perfect Freedom.

Let us apply this principle to the social order: The State which acknowledges God and the spiritual element in man is a Free State, while the State which is anti-God, and asserts the primacy of the economic over the spiritual in man, is necessarily a slave State. Why do we say that the State which acknowledges God is necessarily a free State? Because in acknowledging God, the State admits that the power it exercises over its citizens does not belong to it *exclusively*, but has come, as Our Lord told Pilate, from God. That means that a State which accepts the Primacy of the Divine admits that *there are certain rights which man holds not from the*

State, but from God; and that therefore the State can never take them away. Hence man is free and independent of the State in his right to call (a) his soul his own and (b) his property his own. Incidentally both of these are guaranteed by our Constitution as God given liberties, or "inalienable rights". Let us consider them singly.

A man can call his soul his own in a State which acknowledges God, because the *soul does not belong to the State* but to God Who made it, and to Whom it is destined to return to give an account of its stewardship. Man is therefore free to adore God according to the dictates of his conscience, and no power on earth has a right to invade or violate that spiritual sanctuary. To Caesar he will render the things that are Caesar's, but to God also the things that are God's.

A man can also call his property his own in a State which acknowledges God, because the right to own private property is not given to man by the State but by God. Therefore, the State can not absolutely take it away. As the soul is the spiritual guarantee of human liberty, so private property is the economic guarantee of human liberty. Man has not only a soul, but a body as well. That body must have a physical expression of its freedom and private property is such an expression for a man with property has responsibility and control which are the attributes of freedom. Is it not a confirmation of our thesis that property and freedom go together, to recall that history knows of no instance of a well-distributed-property-country ever having suffered from despotism?

In such a State which acknowledges that man has God-given rights, man is like a mountain whose

peak rises above the clouds and storms of the economic and material, where he is free to bathe in the sunshine of God's glorious liberty. The realm of the spiritual thus becomes a place of freedom and soul-relaxation like a home after working hours—an escape from the materialities of an economic world. In brief, just as a man's soul has certain powers transcendent to his body, such as the power of thinking and willing, so man has certain inalienable rights and privileges beyond the State, and these are the fountain head of the greatest liberty of all—the freedom to become a saint.

Now consider the other half of the proposition, that is, that *matter is the basis of slavery*. Apply that principle to a State which acknowledges no God and no soul. Such a State as Mexico or Russia or Spain where Communism is in power, asserts the primacy of the economic and the material. It is therefore a State in which a man cannot call his soul his own or his property his own.

A man cannot call his soul his own in such a state, because the soul belongs to the State and there is nothing above the State. On this theory, the rights a man possesses are State given; hence the State can take them away. Such is the law of Mexico as stated in its constitution of 1917. "Every person in the United States of Mexico shall enjoy those rights which are granted to him by the constitution." That means that the right to educate one's family, and the right to adore God according to the dictates of one's conscience are not from God but from the State, hence the State can disposses man of these rights. That is why in Mexico and Russia and to some extent in Germany, any attempt

on the part of the citizens to adore and serve God is branded as "counter-revolutionary". If the soul belongs to the State, then it is treason to the State to dare offer it to God. That is why Communism persecutes religion. An atheistic State knows full well that it cannot completely possess man as the tool of the State, unless it unmakes religion which says that man is also the child of God; and that it cannot enslave man until it enslaves the Church which says that man is free. The persecution of the Church in Russia, Mexico, Germany, and Spain is for this reason the strongest proof that the Church is the last bulwark of human liberty left in the world, and this because She is the last and everlasting defender of the Spirit, which makes us free.

Not only does an atheistic State make it impossible for a man to call his soul his own, but also to call his property his own. Since private property is the economic guarantee of human liberty, the atheistic State would even dispossess man of that last remnant, as Communism actually does, for it abolishes all productive private property. The Communists justify their violence and revolutionary dispossession of this human right on the grounds that property has been abused and amassed in the hands of the Capitalists. This is true, to some extent, but certainly the remedy for concentration of wealth is not in the confiscation of private property, for what is that but shifting its control from a few capitalists to a few Red Leaders? What is this but to make the State Capitalistic, transform individual selfishness into collective selfishness, and substitute for the exploiting and the exploited classes the equally bad classes of the powerful and the powerless, or the Red leaders and the led. And there is no better

proof of this than the fact that in Russia only one and one-half percent of the population are members of the Communist Party, and yet that one and a half percent control by fear, terror, and propaganda, ninety-eight and a half percent of the people.

To return to the point—Grant that there is concentration of wealth; grant that it needs an immediate remedy, the solution is to be found not in dispossession but in distribution, not in revolution but in legislation, not in Communism but in Democracy. Because there are rats in the barn, the Communists believe in burning the barn. We believe in burning the rats.

Stripping private property from man is something like stealing his clothes. It is the deprivation of the symbol of his personality, for private property is the extension of personality. And it is none the less stealing because the State does it for "Thou shalt not steal" applies not only to Big Business but also to a Big State. But what interests us at this moment is the fact that the denial of the spiritual and the exaltation of the economic eventually ends in the denial of private property. It is indeed an interesting proof of this thesis that the anti-spiritual governments of the world are these which have most denied man the right to call his property his own. Mexico, for example, has denied Catholics the right to own property dedicated to the highest of all purposes; Germany has made retention of property difficult among certain classes, and impossible for the Jews; Spain has asserted its right to destroy Church property; and Russia whose first principle is anti-God, has as its second principle anti-private property. At least under Capitalism, with all its defects, a few owned productive private property;

under Communism no one owns it but the selfish State.

There is only one force to prevent the growth of this system and that is the power of Him Who came to this earth of ours to teach us the Truth which, as He said, alone can make us free. Nowhere did He better proclaim the Gospel of freedom than on the day He permitted His body to be unfurled on the flagpole of the cross as the Banner of the Glorious liberty of the sons of God.

His enemies asked Him to come down, but He refused, because, if He came down, He would have shown His Physical Power; He would have *forced* us to do His will; He would have used the same power Mexico and Russia are using today; and that would have been the end of Freedom. But by hanging on the Cross in an attitude of powerlessness where no nailed hand could force obedience, and no pierced foot could pursue the slave, and with only the look of an eye to bid souls reach His side, He Who is Almighty taught that man must be free to love—even God. Above all gifts He craved the free gift of love, not the obsequious rapture of slaves. By refusing to come down and show His Power He maintained, even in His Death, that neither His Soul, nor His only private property, which was His Body, belonged to the State nor to Pontius Pilate; that no one could take these rights away, not even by death. His soul was His own, and hence He could give it to His Father; His Body was His own, hence He could give it to us as our Life. He died free, and from that death we derive our liberty. Against the background of Calvary, the Church today asserts against the world that no man is satisfied unless he is free, that no man is free until he can love, and

that no man is free to love until he can love the One for Whom he was made—namely the Christ Who loved us enough to die for us that we might be free!

THE SPIRIT AND UNITY

Address delivered on January 17, 1937.

Last Sunday the burden of our broadcast was that only a State which recognizes the spiritual is a free State, and those States which deny the spiritual and assert the primacy of the economic are States in which a man cannot call his soul his own or his body his own.

Today it is our purpose to show that men cannot be grouped into the unity of brotherhood or even comradeship except on the basis of the spiritual.

The modern world, despite its tyrannies and its dictatorships and its cruel wars, is recognizing the need of unity and authority. It sees very well that no nation can endure if everyone is allowed to pursue his own selfish interests, to the utter forgetfulness of the common good; it sees, too, that some authority is needed in order to exercise social control over avaricious individuals. The ravages of selfishness which allowed every man to seek his own, without any regard for the common good, ended in a great amassing of wealth on the one hand, and great poverty on the other. That selfishness had to be corrected. Citizens had to be made to realize that they were parts of a social order, with mutual obligations to one another. In order to supply that need for unity and authority, some nations had recourse to dictatorships. Their ideal was right, in the sense that they saw the need of unity and authority, but their solution was wrong, because they purchased unity at the expense of liberty. It is one thing to recognize a need, and it is another thing to know how to supply it.

What the world forgot was that there are two ways of attaining unity and asserting authority: one from the outside, the other from the inside; one by force, the other by love; one by Nazism, Fascism, and Communism, the other by religion. The dogs that bark at the sheep and drive them into the sheep fold produce the unity of the sheep fold, but it is a forced unity. The Saviour who draws us to His banquet table to nourish us of His substance produces the unity of Christians, but it is a unity based on love. Deny this spiritual unity which the charity of religion brings, and how unite men except by fear, force, and propaganda, to which all the dictators of Europe make appeal in varying degrees, depending on the allowance they make for unity by religion.

That is why in Russia under Communism there is no real unity except unity by force. As their official organ states: "The sole possibility with Communism is that one party is in power, and all the others are in jail" (November 13, 1927). Even their new Constitution forbids the existence of any party other than the Communist. Such a unity is purely artificial; it makes citizens one by squeezing humanity out of them, as one might squeeze juice out of lemons. It cannot do otherwise; and why? Because the spirit alone can produce unity. Just suppose civilization denied God and the spiritual destiny of man, and set up the economic as the unique goal of human existence, what consequences would follow in the economic and the political order?

Consider first the economic order. If there be no God, if religion be only the opium of the people; if this world be all, and eternity be only an illusion; if life be only the dream of the moment and an orgy

between two voids; then why should anyone accept his economic lot? Then why should not the poor man who watches the vain parade of diamonds and lace, turn into a robber and a thief? Why should not the rich man seek to exploit the poor man, and throw his wasted years on the ash heap of unemployment? Then why should not churches be pillaged and why should not men incite others to violence, riots, and even insurrection in the army and navy, as the Secretary of the Communist Party does on page 165 of his book. Then why should not Russia organize unions to develop the Socialist system as Article 126 of the new Constitution states, rather than the right of a man to a living wage, of which no mention is made in the Constitution.

If there be no God, and if men have no souls, no destiny other than the economic, why should not non-Aryans be deported? Why should not non-Fascists be punished? Why should not Catholics be murdered? Why should not maids steal, lawyers bleed their clients, bootblacks short-change, the banker embezzle, and the baker rob? What answer can we give?

If you deny the spiritual and the God Who searches hearts, there is only one answer why these injustices and disorders should not be allowed; namely servants *must* obey masters, workers *must* obey Red leaders, and citizens *must* obey the dictators.

But suppose to this the thieves, the doctors, the lawyers, the employers, the bootblacks, the soldiers answer: "It is my duty to obey only because you are stronger than I, and I can do nothing against you. But suppose I join with millions of other thieves, ditch-diggers, unemployed, and we become

stronger than you! Then the role changes! Then it is *your duty to obey*." And this is precisely what we are witnessing in the economic order today: The law of animality in which the strong devour the weak; not the law of spirituality, where the strong descend to the weak to lift them up unto God. It is by force and display of power rather than by justice and virtue that we settle our disputes.

Once abolish the future life with its spiritual destiny and its influence upon our daily actions, and there is nothing to stand in the way of complete and total equalitarianism. If the only reward is in this world, it immediately follows that all classes, all distinctions in rank and condition, all differences in position and office are open to attack.

Take God out of the souls of men, and there is only one way to achieve unity in the economic sphere and that is by force. Take God out of the souls of men and the more they *demand* and the less they *thank*. Take God out of the souls of men, and the more avaricious become the rich and the more envious become the poor. Take God out of their souls and the more both stretch out itchy palms to receive, the more you remove all restraint upon illegitimate desires and all curbs from passions, the more you unchain all concupiscences and unleash all the furies of selfishness. Then no one is satisfied; for if this life is all why should we not have all, even if we have to get it by force?

Now consider the consequences in the political order. Deny God and the spiritual, and it follows that the authority of the State is not derived, but absolute. It sets itself up as God, and determines what is right and wrong by force. Our Lord said the Gentiles lord it over them, but His authority was

based on His meekness and humility of heart and His love of His Heavenly Father. Modern political authorities who repudiate religion, base their authority on armies, on soldiers, on guns. That is why it is doubtful if there is in any of these countries such a thing as real leadership. Would you call a robber with a gun who backed ten unarmed men against a wall, their leader? By what right then can we call certain dictators leaders?

Take a gun away from Hitler, take tanks away from Stalin, and let these men stand on their own moral responsibility with no other power to command than their honesty, their love of truth, and their purity of heart, and see how long they could command. Our Lord has commanded obedience from the world for 20 centuries with no other weapon than a defenseless cross, and the Holy Father has awakened the spiritual obedience of 320,000,000 Catholics scattered throughout the world with no other arms than his spiritual office. But take terror away from Red leaders and they could not command men for four seconds. That is why the new political unity of Communism is not unity; it is compactness through fear, mobilization through arms, nationalization through propaganda, but it is not unity. Remove that fear, those armies, or that propaganda, and these nations would break up into thousands of discordant and warring elements. Only the spiritual is the basis of unity. Take away the religious inspiration and we no longer hear of man helping his fellowman in need, because he sees in him a brother in Christ. With the religious inspiration gone, we hear the need of helping the unemployed only to prevent a revolution. What a sorry commentary on human fellowship. When Christ reigned in hearts we

helped the poor to save our soul; without religion we help them only to save our hide.

Society cannot long endure under such an inspiration. "Unless the Lord build the house, they labor in vain that build it". Unity of mankind is lost because men have lost their God. As a matter of fact, belief in Christ is the only catholic thing left in the world, the only bond uniting men in a spiritual fraternity of love. A Christian in France may differ politically from a Christian in Germany, and a Christian in America may differ politically and economically from a fellow-Christian, but they melt all difference in the recognition that God is our end, His Divine Son Our Lord is Our Redeemer, and His Holy Spirit is our Sanctifier. Outside of this, unity is ephemeral, superficial, and temporary—a unity based on a common mechanical technique, on a common desire to increase exports and decrease imports. In some countries, like Mexico, Russia, Germany, and Spain, the unity is even less; it is based upon a common hatred of the Church of Christ. Like Pilate and Herod these nations are one only in their hatred of a crowned and bleeding Christ.

Thus we come back again to our starting point: Matter divides; Spirit unites. The Economic as the end of man is the basis of enmities; the Spiritual as the end of man is the basis of His peace.

The world must choose between two symbols, one the symbol of the Spiritual, the other the symbol of the Material; one the symbol of Christianity, the other the symbol of Communism. The symbol of spiritual unity is the Eucharist from which Our Lord extends to all men His invitation to eat and drink, that they may be one in Him as He and the Father are one. The other, the symbol of Commun-

ism, is the soulless body. When a soul leaves a body, the body begins to disintegrate into a thousand and one conflicting elements which can never be brought to unity again by any process known to man or science. When society loses its soul which is God, it breaks up into millions of conflicting elements which can never be brought into real unity even by force and propaganda any more than dust can be revived into a living man. That is why I think Communism preserves at the very center of its national life, as the very symbol of its materialism, and as the rallying point of its revolutionary armies—a corpse—the lifeless, soulless, cadaver of Lenin—a perfect symbol indeed of that to which Communism would lead us all—to Dust, to Dissolution, and to Death.

OPPORTUNITY

Address delivered on January 24, 1937.

The radio series up to this point has been a description of the woes of our wounded world and in particular of the slavery and class-struggle consequent upon godlessness and the denial of the spirit. There is always a temptation to rest one's case there, and to lay the flattering unction to our souls that we have done our Christian duty when we have poured our vials of righteous wrath upon the godless, and denounced Communism as the monstrous red enemy of men. Such an attitude makes us other Pharisees, who feel justified in throwing stones because we have found the adulteress.

The point we wish to make today is that this view is wrong and unbecoming a Christian. It is wrong because we have been sent into this world not to condemn the wrong, but to make the wrong right; not to cry "unclean" but to wash clean; not to damn but to save. As followers of Our Lord, we must never forget that "they that are in health need not a physician, but they that are ill", and that He came into the world "not to call the just but sinners". This means very definitely that it is not simply our business to prove they are wrong, however satisfying that might be; it is not even our business to prove we are right, as if the truth were our making and not God's. It is our business to preach Christ and Him Crucified, and let that Truth conquer by its own right. When a man is starving you need not go to him and say: "You must not eat poisons. Poisons will kill you!" You need not even say: "You must eat bread. Science has proved that there are vita-

mins in bread." You need only go to him and say: "You are hungry—here is bread"; and the laws of nature will do the rest. And so it is with starving souls. We need not reprove their error, or show we are right, but present the Truth of God; and with the help of His grace it will nourish them unto life everlasting.

Taking this point of view, how should we approach atheists and bigots? How should we deal with Communists who are spreading doctrines so disruptive of family life, property, culture, and peace? How did Our Lord and St. Paul deal with those who practiced Communistic principles in their day, even though they were not called Communists? They converted souls by finding a common denominator between them and the Truth they preached.

Take the case of the woman at the well. Our Lord, weary from His journey on a hot summer day said to her: "Give me to drink." She immediately reminded Him that the well was deep and He had nothing wherein to draw. Our Lord said to her. "If thou didst know the gift of God, and who he is that saith to thee, Give me to drink, thou perhaps wouldst have asked of him, and he would have given thee living water." And that poor woman who daily trudged out from Samaria in the boiling sun with the water pot upon her head, was most anxious to find a source of living water which would dispense her from future journeys. But Our Lord seeing she did not understand His spiritual message changed the subject. "Go call thy husband." The woman answered "I have no husband." Jesus said to her: "Thou hast said well, I have no husband: for thou hast five husbands; and he whom thou now hast, is not thy husband."

Now what possible basis of apostleship could there be between Our Lord Who is Purity itself and this adulterous woman with five husbands? What common bond could there be between virtue and vice? There was only one common denominator and that was a common love of a drink of cold water. From that common starting point, Our Lord drew the sinner on to an understanding of grace and the supernatural life; and such an understanding it was that she and her fellow townspeople of the despised city were the first in history to address Him as "the Saviour of the world."

The tactics of St. Paul in Athens were like those of His Master at Jacob's well. St. Paul's spirit was stirred at "seeing the city wholly given to idolatry." He knew they had their gods on the Olympic heights; he knew that they had a god for every household; he knew they had the gods that Aeneas brought from Troy; but he sought a common denominator, and he found it in a word—the word "Unknown." "Standing in the midst of the Areopagus, he said: Ye men of Athens, I perceive that in all things you are too superstitious. For passing by, and seeing your idols, I found an altar also on which was written: *To the unknown God*. What therefore you worship without knowing it, that I preach to you; God, who made the world. . ." From that common denominator of the word "unknown"—we might also say from a pun—St. Paul led them on to the knowledge of the true God in Whom we live and move and have our being. As Our Lord in conversation with the woman did not spend all His time denouncing adultery, much as He detested it, so neither did St. Paul before the Areopagus spend all his time denouncing idolatry, much as he abhorred

it. Both cast about for some trivial thing which Christianity had in common with sin and idolatry, and through that common denominator led souls on to the fullness of the light.

And so it is with us! We are not to spend all our energies denouncing Communism; we are to lead Communists into the camp of the Communions by finding some common denominator with them, even though it be as simple as a common love of water, or a common search for the great unknown.

In that search for a common denominator one spirit above all other must prevail, and that is the spirit of Christ-like Charity. We must be intolerant of Communism and atheism, but tolerant of Communists and atheists. If we had the same education they had, if we had been fed upon the same Marxian lies and half-truths about religion as they have, and had been stuffed full of propaganda, we would probably hate the Church ten times more than they do. They do not really hate the Church; they only hate what they have been taught about the Church, and they are right in that hate. We would burn Churches too if we had been falsely trained to believe that the Church stood for the very social injustices they rightly condemn. Our Lord found an excuse for them on Calvary; can we do less than by echoing in our lives, "Father, forgive them for they know not what they do."

The saints of the Church have always been fond of repeating that we could catch more flies with a drop of honey than with a barrel of vinegar. St. Vincent de Paul in particular has cautioned us: "A man is not believed because he is clever, but because he is liked and known to be good. The devil is very clever, and we don't believe a word he says, because

we don't like him. Nobody will believe us unless we are loving and forbearing with them." As it has been repeated many times: "In necessary things there must be agreement and unity; in doubtful or indifferent things there must be charity—giving no offense to any man that our ministry be not blamed." And this lesson of charity the Holy Father has set for us when he asked that prayers after Low Mass be said for the persecuted Russians, 99% of whom are non-Catholics.

Grant that Communists and atheists and bigots do hate Christ and His Church? They do not hate Plato or an Oriental sun-cult. Is this not because only an infinite object can be infinitely hated and infinitely loved? Their hatred of Divinity is the strongest proof of the reality of Divinity. Men do not hate figments of the imagination. If religion were only that, the Communists would ignore it. Their hatred then is but their vain attempt to despise. But all that hate does not dispense us from praying for them as Our Lord prayed for His executioners, and as Stephen interceded for those who stoned him, and as Our Holy Father prayed and begged for prayers for the Communists of Spain. It is well to remember that hateful souls can be transformed in the fire of God's grace into loving souls. Our Lord chose His greatest apostles from the weak and the hateful and the sinful! Peter from weakness; Paul from hate, and Magdalene, who has oft been called the thirteenth apostle, from voluptuousness, Paul from hate, and Magdalene, who has oft hence we must see in them not men to be hated, but potential captives of the Man on the Cross Who died out of love even for Stalin.

Russia is the home of godlessness, but Russia

could just as well have the mission to Christianize modern Europe as to give it anti-Christ. Its history has been full of a Messianic consciousness that it was destined to give something to the world, and its present pains could just as well be the pangs of birth as the groan of death. God in His Mercy often raises up individuals from great sins, such as Augustine, that they might declare forth the power of His Love, for those who have been at death's door can best reveal the glories of health. Why could not God then not only raise up individuals but even nations from the darkness of hate to the light of love, so that there might be as examples of His Mercy, Apostles of His Truth to them that sit in the superstition of the Gentiles? Why could there not be social Magdalenes and social Pauls, as well as individual Magdalenes and individual Pauls. No nation is too far gone as yet to consider it beyond redemption. As the Holy Father has told us: "Beneath the embers there still are to be found sparks that can be fanned into flame." England, for example, seemed hopeless to the Faith in the days of Queen Elizabeth, when she murdered one hundred and thirty-eight secular priests, six Jesuits, one Benedictine and one Franciscan; it seemed even hopeless in 1834 with four bishops and 400,000 faithful. And yet today it has twenty-seven bishops and three million faithful. What is true of England in the past can be true of Communistic Russia and anti-clerical Mexico. They are not beyond redemption, for they are only wounded, not slain. This is not a black, dark, dreadful, and hateful world bound for the precipice of destruction; it is a world of infinite possibilities, a vast quarry from which can still be cut and fashioned living stones into the Temple of God. It is not

a lost world! It can still be saved, but saved only by the Charity of God living in souls who are ready if need be to come out of other catacombs to save it!

RESPONSIBILITY

Address delivered on January 31, 1937.

It shall be our aim today to indicate our responsibility to the social order. Too long has the world lived on the assumption that religion is a private affair. Now it has learned that by regarding it as such, irreligion has preempted the entire social field. It will no longer do for individuals to preach about the necessity of personal piety alone, for our lives are inextricably entangled with all the problems of civilization. There is not one kind of spirituality for man, and another for society; there is only one for both, for the power that builds the soul is the power that builds the world. The Kingdom of God, it is true, is not *of* this world, but as long as time endures it is *for* this world. We therefore have not only a vocation to sanctify and save our souls but also to expand and diffuse that sanctification to save society. The very prayers we say suggest that we are related to a great social pattern as the cells of a body are related one to another. We say "Our Father", not "My Father"; we ask: "Forgive us our trespasses", not "Forgive me my trespasses". Religion then is not an individual affair; religion is social. We do not save ourselves alone, but only in conjunction with others.

Quite apart from this Divine injunction there is still another reason for our responsibility toward the modern world and its chaos, and that is that that chaos is partly of our own making. If we are honest with ourselves we cannot deny that the advance of secularism, the increase of godlessness, is to a small extent at least a result of our own unfulfilled Chris-

tian duty, a failure to live out in our social and economic and political existences, the fullest implications of the cross that was signed on our backs the day of our Baptism, and on our foreheads the hour of our Confirmation. The very fact that the world is a thousand times more scandalized at a bad Catholic in public life than a bad anything else, is only a proof that the world expects much more of him. To just that extent that we have colored our Christian outlook on life with the veneer of worldliness, or have tried to make the best of two worlds, or have used our faith only as a consolation and the world as our luxury, or failed to radiate the light of God's Truth to those who were groping in darkness, the guilt of the world's sin is on our hands and its responsibility on our souls. Human perversity, diabolical propaganda, vicious lies, unchained concupiscences, passion, envy, and love of power—all these have done much to upset the world, but there is no doubt that it would be less upset if we had risen to the full consciousness of what it means to be a Christian. We make the world by living our faith; we unmake it by falling short of it. We save the world by loving the Cross; we lose it by fleeing even from its shadows.

If, then, the chaos of civilization is partly the result of our compromise with the Cross, it follows that we have an obligation to make reparation for it, and this can be done only by a renewed sense of responsibility and apostleship to the world in general and to two groups in particular: marginal Christians and the masses.

By marginal Christians is meant those on the fringe of religion who are descendants of Christian-living parents but who now are Christians only in

name, retaining a few of its ideals out of indolence and force of habit. What is going to happen to this group when the challenge is hurled and the crisis arrives? Within a very short time they must take sides; they must either gather with Christ or they must scatter; they must either be with Him or against Him; they must either be on the cross as other Christs, or under it as other executioners. There was a middle course a few years ago, but there is one no longer. Communism has done with all the half-way houses: it has brought the world face to face with fundamentals; it has cleared the issues by reminding the world there are only two philosophies of life: Communism which mobilizes souls for secular ends and dust, and Christianity which sanctifies them for eternal ends and God. Which way then will these marginal Christians tend? Will they turn right, which in Christian language is upward to the God of Love for Whom they were made, or will they turn left, which is downward to class-struggle and the destiny of animals? The answer depends upon those who have the faith. Like the multitudes who followed Our Lord into the desert, they are as sheep without a Shepherd. They are waiting to be shepherded either with the sheep or goats. Only, this much is certain: Being human and having hearts, they want more than class-struggle and economics; they want Life, they want Truth, and they want Love. In a word, they want peace. That is why the advantage is on our side, for it is ours to give them Christ. If they receive Him not, it will be only because we have failed.

We have responsibility not only toward marginal Christians but also toward the masses—what Communists call the proletariat, the Capitalists call

labor, governments call the unemployed, and social agencies call the maladjusted, and what we must call potential children of the Kingdom of God. These people have so long been the victims of social injustices that they feel any force which will ameliorate their economic lot is necessarily their saviour. Communism, knowing that souls can be bought for thirty pieces of silver, immediately presents itself as their champion and the great enemy of social injustice. And the significance of Communism and the power of its appeal can not be minimized. Communism is right in its protests: the masses do have too many wants and too few rights. But it is wrong in its reforms. It falsely leads the masses to believe they have only stomachs, as Capitalism falsely led them to believe they had only hands. Who will get to the masses first? Will it be Communism mobilizing them into a revolutionary force, or Christianity uniting them into a moral force? The answer depends on how seriously we take our faith. It is here that our responsibility begins, namely not only to feed their stomachs and busy their hands, but also to teach them they have souls as well as bodies, that the happiness of a man consists not in what he has but in what he is, not in the quantity of his possessions but in how he uses them. It is our solemn duty to go down to them and build up just as strong, just as vigorous a Christian proletariat as others would build up a Communistic proletariat. It is our duty not alone because they are unemployed, not alone because they are victims of social injustice, but because they are poor, and the poor in spirit is the stuff from which the future civilization will be built. The influences making for the new era will come not from above but from below, not from individ-

uals with wealth but from groups with holy purposes, not from the well-to-do but from the will-to-reform. The Church itself even more than civilization will draw its strength from them, as Our Lord drew His apostles from them. By their very nature they possess a power of cohesion which the rich often lack, for wealth without religion breeds false distinctions and snobbery. They therefore possess a natural solidarity which can easily be woven into the supernatural unity of the Mystical Body of Christ. In Spain, in Russia, in Mexico, they have, in frenzies of indignation, burned churches; but this is because they were told the Church was against them. The Church that was born of the Poor Man of Galilee cannot tolerate this lie! It is not enough for us to shout it down. The shouts cannot be heard amidst burning embers and falling steeples. It must be *lived down*, and it can be lived down only by Catholics taking seriously the Beatitude: "Blessed are the poor in spirit, for theirs is the kingdom of heaven."

Our responsibility then ultimately resolves itself down to this: we are not sent into the world to preach Social Revolution but *to be* the Revolution; we are not to envisage ourselves always as crucified, but sometimes, through our neglect, as the crucifiers. We must realize that it is our duty to be supermen, apostles of God the consuming fire whose business it is to enkindle fires in the souls of men and to give them not only the *means* of existence but, what is vastly more important, the *purpose* of existence. We must realize furthermore that pacts and planning are no substitute for moral force, and that we are not living only to preserve the *status quo* of a social order which is already crumbling, but to

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supply the moral convictions without which social order becomes disorder and chaos. In a word, the best way to reform the world is to begin by reforming ourselves. The world is in such a state of confusion and panic that it knows not which road to take. It therefore will do no good for us to shout: "Take the road that leads to religion. Go to the Cross. Go to Christ!" The world is so bewildered that it will not go. But it will follow. That means we must go first. And that is the way Our Lord led us. "Come—Follow Me!"

This implies that our responsibility is of a redemptive character. An analogy of our redemptive duty to the world may be found in the triple vows of poverty, chastity, and obedience. Why is there a vow of poverty in the Church? Because wealth is bad? Wealth is not necessarily an evil, for a rich man can exchange his wealth for the kingdom of God. Why then the vow of poverty? Because there are some souls in the world who seek wealth as the be-all and the end-all here, and there must needs be some who will "bend back" in the other direction, and establish an equilibrium by atoning for those who have wealth and know not how to use it.

Why the vow of chastity? Because flesh is wrong? No, the flesh is not wrong; it may be elevated to the dignity of the Sacrament. Why then the vow of chastity? In order that through reparation and abstinence from even the legitimate pleasures of flesh, atonement might be made for those who indulge in its excesses.

Why the vow of obedience? Because freedom is wrong? There is nothing wrong about liberty. In fact our will is the only thing that is really our own, and is therefore the most perfect gift that we can

give to God. Why then the vow of obedience? Because there are men and women in the world who use their will to sin, and they must be redeemed by those who are willing to surrender it, to purchase for sinners the glorious liberty of the children of God.

What these vows are to the Church in particular, that we are to the world in general—its redeemers, its leaven, and its salvation by and through the sacrifice of Christ on the Cross. We are our brothers' keepers; willing therefore we must be to suffer for the sake of the community of souls of which we are members, and to bear others' burdens as Christ has borne ours. Naturally such a spirit of sacrifice and responsibility toward the marginal Christians and the masses which make us willing to pray and sacrifice for them, requires the spirit of sacrificial fortitude—a fortitude which transfigures us into redeemers with a small "r" as Christ was a Redeemer with a capital "R"; and which inspires us to bring our lives as wheat and grapes to be ground and crushed as bread and wine on the great altar of Calvary.

Such a sacrificial fortitude will not convert the world; it will not abolish all evil; it will not entirely deplete our bread lines; it will not do away with all wars and all injustices; it will not blot off the face of the earth the blood of the race of Cain; it will not stop every aching body and console every broken heart; it will not make everyone rich. But it will do one thing—it will save the world for this generation—and that is our duty at this moment. The reaping of the harvest we shall leave to those who come after us.

The choice is clear: either the world will have a

Revolution of Violence or a Revolution of Love. The Revolution of Love cannot just be preached, it must be lived by souls enkindled by the burning heart of Christ. Those of us who believe and live the Revolution of Love have only one objection to the Revolution of Violence, which means we have only one basic objection to Communism—it is not revolutionary enough. It leaves hate in the soul of man!

SPIRITUALITY

Address delivered on February 7, 1937.

In today's broadcast, the subject of which is Spirituality, it is hoped to prove that the world crisis can be healed only by forces not directly involved in the crisis itself. A sick man, for example, must rely on medicine for his cure; a ship must anchor outside itself; an eagle can fly only by the aid of something non-eagle, namely, the air. In like manner, modern civilization cannot lift itself out of the chaos by the boot straps of the economic and the political, but only by a power other than the political and the economic and therefore something not directly involved in its ruin. Important as the political and the economic are, it is still more important to hearken back to Our Lord's plan of social reconstruction through spiritual regeneration. His method was to make economic and social justice the by-product of Christian living. He reminds us that a purely secular civilization cannot save itself, because natural man has not sufficient moral strength to sacrifice himself for the common good. That is why He saved the world by dying for it—to teach us that without Him and His Spirit of Sacrifice we could do nothing. That too is why He gathered around Himself a group of men whom He imbued with totally different ideals than the world and radically different means to attain those ideals. "I have chosen you out of the world", He said; and He literally lifted them physically out of the world by putting them in a desert place apart, and spiritually out of the world by imbuing them with a new spirit and the primacy of things Divine. "Seek ye therefore

first the kingdom of God, and his justice, and all these things shall be added unto you." When He had regenerated them and made them new with the fires of His Spirit, He sent them back again into the world—but they were no longer the same men. They were different men.

That is why He said: "If the world hate you, know ye that it hath hated me before you. If you had been of the world, the world would love its own: but because you are not of the world, therefore the world hateth you." More than this, He told them they were to risk everything on His way of living, to be prepared to be hated by brother and sister, father and mother, to be dragged before magistrates and kings, and even to be led to death. There was to be no turning back, for no man putting his hand to the plow and looking back was fit for the Kingdom of God. The dead were to bury their dead, but they were to follow Him by taking up their cross daily, that is, by being prepared to lead an absolutely selfless life for the glory of God and the salvation of souls.

This whole-hearted surrender to Christ is the only spirit which will conquer the world today, for the world is through accepting half-baked philosophies of life and milk-and-water religions. We are living in days of fire and blood when men want something that makes demands on them, and possesses both their bodies and their souls. Only enthusiastic apostles and zealous disciples who are willing to sacrifice and even to die will be heard in this day. That is why Communism is making an appeal; despite its enslaving materialism the men who preach it believe in it. They have taken the word "Leaven" used by Our Lord and changed it to

"Cell"; they have taken the word "Mass" and changed it to "Front". Burning with zeal for their cause, they ask for only a few men filled with the spirit of Marx and willing to sacrifice everything for that spirit, and with this "cell" they threaten to ferment and foment the whole "front". They say: "Give us three or four good Communists inspired with a hatred of Capitalism, with the doctrine of class struggle and the spirit of revolution, and let us put them into a labor union and we will communize the whole union. Give us three or four university professors who are on fire for the dialectics of materialism, and even though their students do not understand it, we will communize the whole university." Such zeal can be met only with zeal, such courage only with courage, and such sacrifice only with sacrifice. No Liberal was ever willing to incommode himself for Liberalism, but Communists are very willing to sacrifice themselves for Communism. In this day of intense loyalties the sleek repose of Christians who will not sacrifice themselves for the things of God cannot meet the new challenge. It will take a great faith in Christ to put down faith in anti-Christ; it will take nothing less than the sacrifice of the Cross to conquer the sacrifice of those who crucify.

May it not be that God is, by the mysterious ways of His Providence, already shifting the wheat of apostolic souls from the chaff of the indifferent. As a matter of fact the purging has already gone on in some countries. God is, as it were, choosing disciples from the multitude, and apostles from the disciples, and Peters and James and Johns from among the apostles. The persecution of the Church in Mexico, in Russia, in Spain, and in Germany has meant

an increase and a decrease—an increase in the quality of the Church, and a decrease in quantity. Numbers mean little to the Church, but spirituality means everything. It may very well be then that God is preparing the Church for the future battle or future peace by a spiritual purification in which only the strong will walk with Him. What was true in the days of Gideon is true in our own day. Gideon, it will be recalled, battled the Madianites whose army numbered 135,000 men. Gideon asked if God would be with him and received the sign through the sign of the fleece. Sounding the trumpet, Gideon gathered an army of 32,000 men. God told him his army was too large; the children of Israel might think they conquered because of the force of their arms, rather than the power of God. Gideon then asked all fearful and timorous men to leave, and 22,000 cowards left the ranks. But even that army was too large, God told Gideon, and He bade him take his army to the waters. All who lapped the water in the hands after the fashion of men of action were to be placed on one side of the river; those who lay prone on the ground to drink at their ease were to be put on the other side of the river. And of the 10,000 men only 300 lapped the water with their hands. With that trivial army of only 300 men Gideon went out and put to flight the army of 135,000 and Israel had peace for forty years. The moral is that 300 zealous souls who rely on God can do more than 32,000 in different ones who trust in their arms; and also, that no enemy is too great if God is with us.

It is difficult to convince our contemporaries of this truth, that our ills are not only political and financial but fundamentally moral and religious. They almost identify the moral aspect of the prob-

lem with the impractical. Perhaps this analogy will help to impress upon minds the primacy of the spiritual in matters economic and political. Suppose America were conquered by a foreign power, whom, for the sake of avoiding odious references we shall call the Lenites. Suppose a Lenite tetrarch was set up in Washington; suppose our religion was called a "barbaric superstition"; suppose Lenite soldiers walked through our streets, collected our taxes, and now and then induced some American to work for them and collect taxes from their fellowmen; suppose the capital of the United States was transferred to Lenopolis; suppose we no longer had the right to coin our money; suppose the judges of our courts had no power of life and death over our citizens, but only a Lenite court could impose death, and did so freely; suppose the Lenitians regarded us as mentally and socially inferior, despite the fact that we loved our independence and were fond of our glorious history.

Now, suppose furthermore, the Incarnation had not yet taken place, and Our Lord was born in some insignificant Bethlehem in America; and about the time we are speaking would have reached the middle of His Public Life. Now let me ask the question: In the midst of such financial, political, and economic woes what do you think would be the first question Americans would ask Our Lord?

It would be without doubt: "Do you think it is lawful to pay tribute to Lenites?" Or in other words, "What do you think of the Lenitian question?" The economic and the political and not the need of purging ourselves would be uppermost in our minds. And how would Our Lord have answered the question? Fortunately we need not speculate.

We definitely know the answer, for the conditions I described to you are identically the same as Our Lord met in Israel. Israel was conquered by the Romans in the year 63 B. C. Their capital became Rome; their religion was called by Cicero in his oration against Flaccus "an abominable superstition"; Roman soldiers policed their streets and induced some Jews to gather taxes for them; these Jews called "publicans", of which Matthew was one, were intensely hated by their fellow men. The Jews had not the power of coining money. It is recorded of one Rabbi that he so detested the payment of his tribute that during his whole lifetime he never looked upon the image of the emperor. The Jewish judges had no power of life and death—that is why only Pilate and not Annas or Caiphas could condemn Christ to death. Finally, the Jews loved their great national history, but the Romans such as Tacitus spoke of them as an "abominable tribe".

Into such conditions Our Lord was born. And what was the first question of importance to them: It was the political question; the financial question; the social question: the "What do you think of the Romans" question. "Is it lawful to give tribute to Caesar?"

And how did Our Lord answer it? "Bring me a penny that I may see it." The coin is handed to Him. "Whose is this image and inscription?" "Caesar's," they answer. Then He strikes. "Render therefore to Caesar the things that are Caesar's; and to God, the things that are God's." In other words, the important problem is not the Roman problem or the Lenite problem, but the spiritual problem: "Seek ye therefore first the kingdom of God, and his justice, and *all these things* will be added unto you."

And so He left Caesar on his throne, Pilate on his judgment seat, Herod in his court, and sent out His Apostles full of the spirit of God and conquered a world!

The social order we build will depend upon how we answer the question: What is the purpose of living? If life has no other goal than the dust, then we will build an order either of individual selfishness, which is Liberalism, or of collective selfishness, which is Communism; for if this life is all, why should we not have all? But if life is moral, and the way we live in charity, justice, peace, and sacrificing, determines our existence in the next world, then what doth it profit if we gain the whole world and lose our immortal souls? These two philosophies of life are the Communistic and the Christian; one material, the other spiritual. Communists have only one word in their vocabulary and that is the word "Down"—"Down with Capitalism! Down with the Rich! Down with the Bourgeoisie! Down with the Wealthy! Down with Governments! Down with Classes! Down with Religion! Down with God!"

Heavens above! Is there not another word in our vocabulary upon which we can build a true social order? Can one build anything down? Must not everything that is built be built upwards? Let there be another order constructed upon the word "Up!" "Up from Class-struggle! Up from Hate! Up from Revolution! Up from the material! Up from the dust! Up beyond the earth, beyond the stars, up to the 'hid battlements of eternity'—Up—Up to God!"

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(Extract from his address at the inaugural program in the studio of the National Broadcasting Company, New York City, March 2, 1930.)

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This radio hour is for all the people of the United States. To our fellow-citizens, in this word of dedication, we wish to express a cordial greeting and, indeed, congratulations. For this radio hour is one of service to America, which certainly will listen in interestedly, and even sympathetically, I am sure, to the voice of the ancient Church with its historic background of all the centuries of the Christian era, and with its own notable contribution to the discovery, exploration, foundation and growth of our glorious country. . . .

Thus to voice before a vast public the Catholic Church is no light task. Our prayers will be with those who have that task in hand. We feel certain that it will have both the good will and the good wishes of the great majority of our countrymen. Surely, there is no true lover of our Country who does not eagerly hope for a less worldly, a less material, and a more spiritual standard among our people.

With good will, with kindness and with Christ-like sympathy for all, this work is inaugurated. So may it continue. So may it be fulfilled. This word of dedication voices, therefore, the hope that this radio hour may serve to make known, to explain with the charity of Christ, our faith, which we love even as we love Christ Himself. May it serve to make better understood that faith as it really is—a light revealing the pathway to heaven: a strength, and a power divine through Christ: pardoning our sins, elevating, consecrating our common every-day duties and joys, bringing not only justice but gladness and peace to our searching and questioning hearts.

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(THE ENCYCLICAL *PASCENDI*)

BY THE
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THE ENCYCLICAL ON "MODERNISM."

BY THE REV. SYDNEY F. SMITH, S.J.

Introductory.

OF our many critics who take scandal at the Encyclical of 1908, which condemned Modernism, few have troubled to read it, and fewer still, having read it, have succeeded in understanding it. The mass of them have been content to assume that anything coming from the Pope and bearing the character of prohibition must needs be bad—since it is their cherished maxim that every prohibition of men's opinions is for those who heed it an obstruction in the pathway to truth. Perhaps, if they would reflect, it might strike them as significant that, in religious communions at all events, wherever a free and unchecked latitude of belief is allowed, the ultimate consequence is an undermining of religious belief altogether. At any rate they would come to see that unwavering adherence to a code of doctrines handed down from the far past is the very foundation on which the Catholic Church is built, and from which, under God, she has derived the strength and tenacity of her existence through all these centuries. Yet, if this has been the persistent law of her being all through, it is surely unreasonable to expect that she will abandon it now; and so, when any doctrinal controversy arises between her and a section of her own children, those who conceive themselves entitled to judge between her and them should at least keep distinct in their minds these two questions, Is the system she condemns Catholic, and, Is it true? If under the guidance of their own lights they conclude that it is true, it is to be

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expected that so far they will range themselves on the side of the condemned. Still, unless they can conclude also that there is no incompatibility, but only the relation of logical development, between the traditional Catholic doctrines and the doctrines proscribed as Modernism, they ought obviously to range themselves on the Pope's side, so far as to acknowledge that he has only acted as a Pope must act, if he be faithful to his trust. It may seem that in thus presenting the issue we are thinking too much of our non-Catholic critics, too little of the Catholic readers who look for some guidance towards understanding the Encyclical *Pascendi*. But it may be useful also for Catholics to approach the subject from this standpoint. They are very liable in a country like this to fall into the same confusions of thought as those among whom they live, whereas if they learn to distinguish between the two questions just put, and to realize the necessity of answering the first in the negative, they are likely—unless, indeed, they have lost their faith—to answer the second question in the negative also, and are in a better position to appreciate the intrinsic grounds on which that negative answer rests. We shall, then, in the present tract, be occupied mainly, if not entirely, with the question whether the theory of religious belief which the Encyclical describes and condemns is not palpably opposed to the Catholic belief to which we and our forefathers have been brought up.

Modernism Described.

The Encyclical has three parts, of which the first, which is far the longest, gives an account of what it means by Modernism, the second assigns its causes, and the third indicates the measures to be taken for its extirpation. It is the first of these three parts with which we shall be concerned, as that is the part which most requires explanation. Indeed, we feel an exceptional difficulty in endeavouring to make it intelligible to our readers, for the theory itself is very abstruse, and unknown to all save a very small group of persons, whilst the Encyclical, being addressed to Bishops, not

to the faithful generally, is in the language of a philosophical treatise, and not that of a popular explanation. Besides which, a theory like this of Modernism, which has not even yet been embodied by its adherents in any official statement, is necessarily understood differently in some respects by different minds, and the description of any one of its varieties is sure to be challenged by the adherents of its other varieties. We must, however, follow the lines of the Encyclical, which agrees substantially with what one finds in the books of the party, and at all events is that on which the impact of the condemnation falls.

Its Philosophical Starting-point.

The Pope begins by stating his intention to exhibit the theory as a connected whole, with bearings on philosophy, belief, theology, history, criticism, apologetics, and Church administration. The starting-point is in *philosophy*, and is from the Kantian principle, or rather fallacy, which confines the limits of human knowledge to *phenomena*, that is, "to the things that appear to our senses, and so far forth as they appear." According to this principle, all that lies beyond, and appertains to "things in themselves," is, for our reasoning faculty, the Unknowable. To that unseen sphere of being we have no sufficient grounds for assuming that the processes of our reasoning faculty apply. Accordingly, there perish straight off (1) the science of Natural Theology, which attempts to deduce the existence and some of the attributes of God, as being the First Cause without presupposing which the existence of the visible world is unintelligible; (2) the science of Christian Evidences, which gathers from the life of our Lord—its miraculous character, and its relation as fulfilling them to the ancient prophecies—that He came from God and spoke in the name of God; (3) the claims of the Christian revelation to be taken as a communication from God to man. For, if our laws of inference which hold for the world of phenomena may, for aught we know, not hold for the

world beyond, it must be pseudo-science which professes to infer anything whatever about God, whether as existing, as accrediting earthly representatives, or as speaking to man through them. Hence the nickname of Intellectualists, with which the "Modernists" are wont to brand those who put trust in what they deem to be pseudo-science.

The "Religious Sentiment."

But it must not be supposed that the Modernists deny all these truths about God. They deny that we can be led to accept them by any reasoning process, but they indicate to us another process which will lead us to them more securely. It is a process to which they give the abstruse name of "vital immanence," and is of the following character: Religion of some kind, whether natural or supernatural, is a fact in the world, for although individuals, and numbers of individuals, may appear to be without it, it is sufficiently general and persistent in the human race to render it a fact which requires explanation. And since, for the reasons given, it is impossible to obtain the explanation from beyond the frontier of immanence, by recourse to the principle of causality, it must be sought within that frontier, and, being a character of life, must be sought in the evolving *life* of man. There, however, it is found to be a certain movement or feeling (*sentiment*)¹ of the heart, which is the outcome of a corresponding need, the need, namely, of the divine. In other words, the races which have peopled the earth have invariably felt the need of the divine, and out of this feeling has grown a "religious sentiment" which has God (in some undefined way) for its cause and God for its object, and so is able to unite the soul with God. For the better understanding of its nature there are one or two things to be observed. First, it is not at first present to consciousness, but rather is latent in "subconsciousness," from which it

¹ The Latin word in the Encyclical is *sensus*, but "sentiment" rather than "sense" is the best English term by which to render what the Modernists mean by it.

emerges into actual consciousness only when such circumstances arise as bring the Unknowable impressively before the mind. Secondly, this sentiment being the source of all religion, it is what we must understand by *faith*, and it is also what we must understand by *revelation*—since, whilst a revelation coming to man from without is inconceivable, this religious sentiment exhibits all the properties of a revelation, inasmuch as, having God for its cause, it comes from God, and having God for its object, it makes God known. Thirdly—since the Unknowable, when it presents itself and is taken by the religious sentiment for the divine, does so not as something bare and isolated, but as intimately connected with some phenomena of nature or human personality, which are deemed to be inexplicable by the ordinary laws of physics or history—this religious sentiment, or faith, infuses, so to speak, its own life into the phenomenon, transfiguring it and distorting it from its true character into one which it deems more suitable for a clothing of the divine. Whence the necessity for the historian and the critic, when they have to deal with phenomena that have been thus transformed, to begin by restoring to them their true historical character; by removing (1) the divine which faith has recognized in them, and then the extras with which it has clothed them by (2) transfiguration, and (3) distortion—a threefold process which is said to constitute the foundation of historical criticism. For instance, faith found its divine object in the person of Christ, and forthwith transfigured it and distorted it from the real form in which He appeared on earth, and this is why in the Gospel story, as it has come down to us, there is so much of the seemingly miraculous. But science and history, being now equipped with a sound method, realize that there cannot have been anything in the historical Christ which was not purely human. Hence, says the Encyclical, the Modernists claim that

by the first canon [of criticism] deduced from agnosticism, whatever savours of the Divine must be eliminated from His history [as it has come down to us] . . . by the second canon, whatever [in that

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history] lifts Him above historical conditions, is to be removed . . . [as] by the third canon must be removed all those discourses or deeds, all things, in short, which are not in keeping with the mind, the condition, the education, the place and time in which He lived.

This explanation of what, according to the new philosophy, is the task imposed on science and history by the action of the religious sentiment on certain of their materials is an incidental digression, returning from which the Encyclical continues its account of the religious sentiment itself :

[It] has sprung, as we have seen, from the recesses of subconsciousness by vital immanence, and is the germ of all religion and the explanation of all that has been or ever will be in any religion. This sentiment, which was at first only rudimentary and almost formless, gradually matured under the influence of the same mysterious principle from which it originated, with the progress of human life, of which, as has been said, it is itself a form. This, then, is the origin of all religions, even supernatural religion. It is only a development of this religious sentiment. Nor is the Catholic religion an exception ; it is quite on a level with the rest ; for it was engendered by the process of vital immanence in the consciousness of Christ, who was a man of the choicest nature, whose like has never been nor will be.

The Religious Function of Intellect.

If the intellect is, according to this new philosophy, unable of itself to transcend the borders of the phenomenal, it has its part in ministering to the evolution of the act of faith which has been identified with the action of the religious sentiment, and at the stage we have reached the Encyclical indicates what this part is held to be :

This sentiment . . . being sentiment, not cognition, though God presents Himself to man in it, He does it in a form so confused and indistinct that He can hardly, if at all, be discerned by the believing person. Hence it is necessary that it [the sentiment] should be illumined by some light in order that God may be clearly distinguished and set apart from it. And this office belongs to the intellect, whose function it is to think and analyze ; by whose instrumentality it is that man first transforms the vital phenomena that arise within him into concepts and next expresses them in words. Hence the maxim common among Modernists that a religious-minded man should *think* his faith. Thus, then, the mind, supervening on this sentiment, applies itself to

it, and—as a Modernist leader explains—works on it like a painter who works over the canvas of a faded picture to restore the brightness of its colouring. In which work the mind exercises a twofold operation, one natural and spontaneous, by which it expresses the object in some simple and ordinary proposition; the other, reflex and profound, by which, as they put it, it elaborates its thought and expresses it in secondary propositions that are derived, indeed, from the previous simple proposition, but are more exact and distinct. And these *secondary* propositions, if they should in due course receive the sanction of the Church's highest authority, are what constitute *dogma*.

The Nature of Dogma.

Here the Encyclical is led to consider the nature and purpose of *dogmas* in this new philosophy. They spring, we have seen, from the primitive, simple, and ordinary propositions in which the natural and spontaneous operation of the mind issues, but consist in the more elaborate secondary formulas; and their purpose is not to state what the truth is in itself, "but to supply the believer with the means of rendering to himself an account of his faith." They are tentative in fact, and find their primary and essential justification not in the arguments by which the intellect supports them, but in the success with which they satisfy the aspirations of the religious sentiment; and hence must not remain fixed and immutable, but must undergo such progressive changes as may be necessary to adapt them to the evolving phases of the religious sentiment. It is with them, it would seem, much as it is with the dishes which the cooks prepare according to the rules of the culinary art, but which have their primary justification in proportion as they are able to meet the tastes and sustain the health of the eaters; and which, if they are to succeed in this, must be changed and made progressively more delicate to meet the changes of palate and stomach consequent on the transition from the lower to the higher stages of social refinement. This comparison is not in the Encyclical, but it may assist the reader to understand better the following important paragraph.

To ascertain the nature of dogma we must first find the relation which exists between the *religious formulas* and the *religious sentiment*. This will be readily perceived by him who realizes that these formulas

have no other purpose than to furnish the believer with a means of giving an account of his faith to himself. These formulas, therefore, stand midway between the believer and his faith; in their relation to the faith they are the inadequate expression of its object and are usually called *symbols*; in their relation to the believer they are *mere instruments*. Hence it is quite impossible to maintain that they express absolute truth; for, in so far as they are *symbols*, they are the images of truth, and so must be adapted to the religious sentiment in its relation to man; and as *instruments* they are the vehicles of truth, and must, therefore, in their turn be adapted to man in his relation to the religious sentiment. But the object of the *religious sentiment*, since it embraces the *absolute*, possesses an infinite variety of aspects, of which now one, now another, may present itself. In like manner he who believes may pass through different phases. Consequently the formulas which we call dogmas must be subject to these vicissitudes, and are therefore liable to change. Thus the way is open to the intrinsic *evolution* of dogma. An immense collection of sophisms this that ruins and destroys all religion. Dogma is not only able, but ought, to evolve and to be changed. This is strongly affirmed by the Modernists, and as clearly flows from their principles. For amongst the chief points of their teaching is this which they deduce from the principle of *vital immanence*; that religious formulas, to be really religious and not merely theological speculations, ought to be living and to live the life of the religious sentiment. This is not to be understood in the sense that these formulas, especially if merely imaginative, are made to suit the religious sentiment itself—for their origin is of no more consequence than their number and quality—but that the religious sentiment, having if needed introduced some modification into them, should be able to assimilate them vitally. In other words, it is necessary that the primitive formula be accepted and sanctioned by the heart, and similarly the subsequent work from which spring the secondary formulas must proceed under the guidance of the heart. Hence it comes that these formulas to be living should be, and should remain, adapted to the faith and to him who believes. Wherefore if for any reason this adaptation should cease to exist they lose their first meaning and must accordingly be changed.

The Office of Modernist Faith.

Up to this point the Encyclical has been considering the Modernist as a philosopher. Now it passes on to consider him as a *believer*. As a philosopher all he claims to know about the religious sentiment which he calls faith, is that it is a subjective fact in the life of the heart which looks to the divine reality as its object. As a believer he goes further, and is "convinced and certain that this divine reality exists in itself and quite independently of the person who believes in it." But on

what ground? That of "the *private experience* of the individual."

In the *religious sentiment* one must recognize a kind of intuition of the heart which puts man in immediate contact with the very reality of God, and infuses such a persuasion of God's existence and His action both within and without man as to excel greatly any scientific conviction. They [the Modernists] assert, therefore, the existence of a true experience, and one of a kind that surpasses all rational experience. If this experience is denied by some, like the rationalists, it arises from the fact that such persons are unwilling to put themselves in the moral state which is necessary to produce it. It is this *experience* which, when a person acquires it, makes him properly and truly a believer.

And the private experience of the individual is further invoked by the Modernist to give a new explanation of the *tradition* of the Church. Hitherto tradition has been regarded in the Catholic Church as an external test by which to distinguish the true revelation from the false, yet now this private experience of the individual, whilst professing to sustain it, virtually supplants it. For tradition, as it understands it, cannot any longer be held to consist in the handing down of a body of truths revealed to this world by a voice speaking from beyond its borders, but must be regarded as the handing down of the stores of religious experience which, originating in the devout reflections of the most surpassing of men, Jesus Christ, have been repeated, reattested, enlarged, and in some respects corrected, in their passage through the hearts of generations of Christian men, and so have attained to the volume and intensity of the Catholic belief of modern times.

By the Modernists tradition is understood as a communication to others through preaching, by means of intellectual formulas, of *an original experience*. To these formulas, in addition to their representative value, they attribute a species of suggestive efficacy which acts both on the person who believes to stimulate the religious sentiment should it happen to have grown sluggish and to renew the experience once acquired, and on those who do not yet believe to awake for the first time the religious *sentiment* in them and to produce the *experience*. In this way is religious experience propagated among the nations, and not merely among contemporaries by preaching, but among future generations both by books and by oral transmission from one to another.

The Relation of Faith to Science.

If such is faith, what is *the relation of faith to science*? It is replied that there can no longer be a possibility of antagonism, inasmuch as they move in planes altogether separate and never crossing each other.

Faith occupies itself solely with something which science declares to be *unknowable* for it. Hence each has a separate field assigned to it : science is entirely concerned with the reality of phenomena, into which faith does not enter at all ; faith, on the contrary, concerns itself with the Divine reality, which is entirely unknown to science. Thus the conclusion is reached that there can never be any dissension between faith and science, for if each keeps on its own ground they can never meet, and therefore never be in contradiction. And if it be objected that in the visible world there are some things which appertain to faith, as the human life of Christ, the Modernists reply by denying this. For though such things come within the category of phenomena, still, in as far as they are *lived* by faith, and in the way described have been by faith *transfigured* and *distorted*, they have been removed from the world of sense and translated to become material for the divine. Hence should it be further asked whether Christ has wrought real miracles and made real prophecies, whether He rose from the dead and ascended into heaven, the answer of agnostic science will be in the negative and the answer of faith in the affirmative—yet there will not be, on any account, any conflict between them. For it will be denied by the philosopher as philosopher, speaking to philosophers, and considering Christ only in His historical reality ; and it will be affirmed by the believer speaking as a believer and to believers, and considering the life of Christ as lived again by faith and in faith.

It turns out, however, that much which one would have naturally referred to the plane of faith has to be referred to the plane of science—with the result that, as the Encyclical puts it, practically, though science is made independent of faith, faith is not made independent of science but subject to it.

For in the first place it must be observed that in every religious fact, when you take away the *divine reality* and the *experience* of it which the believer possesses, all things else, and especially its religious formulas, belong to the sphere of phenomena, and therefore fall under the control of science. . . . Further, when it is said that God is the object of faith alone, the statement refers only to the *divine reality*, not to the *idea* of God. This latter also is subject to science, which, while it philosophizes in what is called the logical order, attains even to what is

absolute and ideal. It is, therefore, the right of philosophy and of science to form conclusions concerning the *idea* of God, to direct it in its evolution, and to purify it of any extraneous elements which may become confounded with it. Finally, man does not suffer a dualism to exist in him, and the believer, therefore, feels within him an impelling need to harmonize faith with science, that it may never oppose the general conception which science sets forth concerning the universe.

The Scope of Modernist Theology.

In what it has said about the Modernist as a philosopher and as a believer, the Encyclical has laid down for us the fundamental principles of the new theory, and, these once accepted, rigidly predetermine the character of their application in the fields of theology, history and criticism, apologetics and Church reform. The Encyclical carries its examination into these fields, and insists with some minuteness on the conclusions within them at which the Modernist arrives. In the present tract it will be best not to burden the readers with more than they can take in at one time: we shall confine ourselves, therefore, to what the Encyclical says about Modernist *theology*, or rather to a brief summary of it.

As hitherto understood, the office of theology proper, as distinguished from faith, is to take the truths which faith certifies as data from which to start, and make a profound study of their meaning and significance, of their accurate definition, of their inter-relations as elements in a complete doctrinal system, as well as of the further conclusions which can be gathered from them by rational deduction. Theology, as the Modernist theory would reconstruct it, has for its task to reconcile faith with science, that is to say, the demands of the religious sentiment with the demands made by contemporary science on those religious formulas by which, as we have seen, the intellect assists the believer to give an account of his faith. And to effect this reconciliation it has, says the Encyclical, three principles at its service—the principle of *immanence*, according to which the *religious sentiment* is the

final judge of what is true in the plane of religion, but science is the final judge in regard to the religious formulas with which the religious sentiment is furnished by the intellect, these formulas not belonging to the plane of religion; the principle of *symbolism*, according to which these religious formulas, not reaching directly the unseen realities, are but symbolic, tentative, and provisional representations of the same, which may with the advance of knowledge be found inconsistent with the truth of visible facts, and have to be "re-stated"—that is, remodelled and transformed; and thirdly, the principle of *divine permanence*, which is akin with *tradition* in the relation it bears to *vital immanence*, and, according to which "all Christian consciousnesses were . . . in a manner virtually included in the consciousness of Christ as the plant is included in the seed; [and] as the shoots live the life of the seed, so, too, all Christians are to be said to live the life of Christ"—or, in other words, the divine life of Christ persists and is *permanent* in the life of the Church.

Some Doctrinal Transformations.

To apply these principles of reconciliation. First, as regards the origin of the Sacraments. For a sacrament to be such it has been believed to be essential that it should have been instituted by Jesus Christ Himself. But for various reasons it is contended that this can no longer be maintained. Agnosticism sees nothing in Christ more than a man whose religious consciousness has been formed by degrees; the law of immanence rejects the idea of the historical Christ having done anything involving an exercise of superhuman authority; the law of evolution requires that institutions shall not have come full-grown into being, but shall have developed gradually and slowly from initial germs: and history is said to testify against the supposition of an immediate institution of the Sacraments by Christ. Therefore, say the Modernists, they were instituted at later dates by the Church, or, rather, brought in by the

gradual evolution of her life, which life, however, being by the principle of divine permanence a persistence and expansion of the life of Christ, faith is justified in referring the institution to Christ Himself.

As regards *dogma* sufficient has been already indicated. It is not to be ascribed to any revelation made by our Lord to His Church the nature of which the Church has been solicitous to understand accurately, to guard, and to expand by logical deductions. Rather

it is born of the species of impulse or necessity, by virtue of which the believer is constrained to elaborate his religious thought so as to render it clearer for himself and others ; [and] this elaboration consists entirely in the process of penetrating and refining the primitive formula, not indeed in itself and according to logical development, but as required by circumstances, or *vitally*, as the Modernists more abstrusely put it.

In regard to *worship*, we are brought again to the consideration of the Sacraments—that is, this time of their nature. They are born, according to this reconstructed version of them, of two needs, the need of giving to religion some sensible manifestation, and the need of propagating it by some sensible acts. Nor are they efficacious channels through which grace is given to the soul *ex opere operato*, but “mere symbols and signs,” having no other kind of efficacy save that of phrases “which, having had the good fortune to impress minds, have proved to be powerful instruments for propagating certain great and impressive ideas.”

The *character of the Sacred Scriptures* is similarly explained. They are a “collection of experiences, not indeed of those that may come to anybody, but of those choice and extraordinary experiences which may have happened in any religion.” Nor must their inspiration be set down to the voice of God speaking from without, but “of God speaking from within through the impulse of vital immanence and permanence,” only more vehemently than in the ordinary case of the religious sentiment declaring its beliefs.

The Modernist Idea of the Church.

So, too, is the character of *the Church* and of its authority radically transformed. No longer must it be held that the Church owes its existence and the authority of its rulers to the direct and immediate institution of Jesus Christ. Rather it is the outcome of a double need, "the need of the individual believer, especially if he has had some original and special experience, to communicate his faith to others ; and the need of the mass, when faith has become common to many, to form itself into a society, and to guard, increase, and propagate the common good" ; and it is "the product of the *collective conscience*,¹ that is to say, of the society of individual consciences which, by virtue of the principle of vital permanence, all depend on one first believer, who for Catholics is Christ" ; whilst Church authority has its origin in the "need" which this society, like every other, has of "a directing authority to guide its members towards the common end, and to conserve prudently the elements of cohesion, which in a religious society are doctrine and worship." This of course means that "authority, like the Church, has its origin in the religious conscience, and that being so, is subject to it." It cannot, then, without tyranny, oppose itself to the demands of the public conscience, and since "the public conscience," in the present age, "has introduced popular government in the civil order," and "there are not two consciences in man any more than there are two lives," "it is for the ecclesiastical authority to shape itself to democratic forms, unless it wishes to provoke and foment an intestine conflict in the consciences of mankind." And again, although "no religious society can be a real unit unless the religious conscience of its members be one, and one also the formula they adopt" ; and although

¹ The Latin word *conscientia* denotes all kinds of consciousness, including that particular kind which is concerned with the sense of what is good or bad in conduct, and in English is expressed by *conscience*. In the translation, therefore, according to the needs of the context, now *consciousness* now *conscience* is employed.

this double unity requires a common mind, whose office it is to find and determine the formula that corresponds best with the common conscience—and it must have, moreover, an authority sufficient to impose on the community the formula which has been decided upon ;

still, as

this *magisterium* springs in its last analysis from the individual consciences, and possesses its mandate of public utility for their benefit, it follows that . . . to prevent individual consciences from revealing freely and openly the impulses they feel, to hinder criticism from impelling dogmas towards their necessary evolutions—this is not a legitimate use but an abuse of a power given for public utility.

The Evolution of Doctrine.

The Encyclical next has a passage on the *evolution of doctrine*. According to the older theology doctrine, being the expression of absolute truth communicated by external revelation, is unchangeable in itself, though the faithful by study and meditation may attain to a progressively fuller penetration into its meaning. According to the new theology, "in a living religion everything is subject to change according to the law of evolution, dogma, Church, sacred books, faith itself—the changes being brought about not by the accretion of new and purely adventitious forms from without" (*e.g.*, by the revelations of Jesus Christ) but "by an increasing penetration of the religious sentiment into the conscience," under the stimulus of the new needs and necessities emerging with the onward course of events. Thus faith changes from cruder to more refined forms of belief—from fetichism, for instance, to monotheism, from monotheism to Christianity, from primitive to modern Catholicism—that it may adapt itself to the general intellectual and moral refining by which "those men have been elevated and these changes are wrought, particularly through the action of religious geniuses called prophets, of whom Christ was the greatest," geniuses "whose lot it was to have new and original experiences fully in harmony with the needs of their time." Dogma changes under the stimulus of the obstacles faith has to surmount and the

contradictions it has to repel, this stimulus inciting to the elaboration of formulas better able to consist with them. Worship changes under the need of adapting itself to the use and customs of peoples. The Church changes that it may accommodate itself to historical conditions and existing forms of society.

Catholicism and Modernism Contrasted.

With the section on the Evolution of Doctrine the Encyclical ends its consideration of the Modernist as a theologian. The nature of what follows in regard to his procedure as a historian and critic, as an apologist and a Church Reformer, can be sufficiently gathered from the foregoing. We have then sufficiently before us the outlines of this new religious system as expounded to us by Pius X, and may judge of it for ourselves from the standpoint suggested at the beginning of this tract. That is, we may leave alone for the present the question whether the system is or is not well founded in itself, and ask only, is it Catholic? Can it be called a consistent development of Catholic faith and teaching as we have known it up to now, or must it be set down as directly opposed to Catholic faith and teaching and altogether incompatible with it? It is difficult to see how the second of these alternative answers can be resisted. Let us note particularly the following points of contrast.

I. IN REGARD TO THE KNOWLEDGE OF GOD.

According to Catholicism, as we have known it hitherto, the human intellect is not under limitations which oblige it to treat all that lies beyond the world of appearances as unknowable. On the contrary it can, through the principle of causality, over-pass that border-line and attain to a knowledge not indeed exhaustive, but absolutely correct and certain as far as it goes, of many important truths relating to the unseen, and among them of the existence and attributes of God. This is laid down in the most formal manner by the

Vatican Council: "If any one says that the one true God cannot be known with certainty by the natural light of reason by means of the things that are made, let him be anathema." Nor is this canon in other than the clearest conformity with the doctrine expressed by the whole line of theologians—Fathers, sacred writers, from the author of the Book of Wisdom¹ downwards—all of whom appeal to the self-same argument of causality, and hold for blameworthy those who will not yield to its force. Yet the new Modernist theory flatly denies the validity of this mode of argument. Starting from its Kantian principle of Agnosticism, it lays down that the invisible world is the unknowable world, and we can repose no trust whatever in the conclusions our reason may arrive at concerning God or anything else that appertains to that hidden region.

2. IN REGARD TO THE CLAIMS OF CHRIST.

According to Catholicism, as we have known it hitherto, Jesus Christ came into the world claiming to be the ambassador of God and even the Son of God. In support of these claims He appealed, as involving a divine attestation of their justice, to the *miracles* He wrought and the *prophecies* He fulfilled; and, having thus established His claim to speak in God's name and deliver God's message, He taught us the code of doctrinal truths which we call the Christian revelation. This also is affirmed in the clearest terms by the Vatican Council.

It declares that, besides the way of coming to know God through things created by the natural light of reason,

it has pleased His wisdom and goodness to provide another and supernatural way by which to reveal Himself and the eternal decrees of His will to the human race: [wherefore], as the Apostle says, "Having in past days spoken at many times and in many ways to our forefathers through the prophets, in these latter days God has spoken to us through His Son."

¹ Wisdom, cap. xiii.

And again that

to render the obedience of our faith conformable to reason, God has willed to conjoin with the interior aids of the Holy Spirit, external proofs of His revelation, divine facts and especially miracles and prophecies, which, inasmuch as they evidence the omnipotence and infinite knowledge of God, are signs of a divine revelation which are both most certain and adapted to the intelligence of all.

And here again the Vatican is only formulating what has always been held and taught in the Church by theologians, Fathers, Apostles, and even our Lord Himself. It is a consistent scheme of divine revelation, and the scheme which, in contrast with it, is set up by the Modernists, is also, it must be acknowledged, consistent with itself. If human reason is incapable of any certain knowledge of God, it follows that it cannot be capable of recognizing the divine character of such facts as miracles and prophecies, and hence of recognizing that there was anything more than purely human in the personality of Jesus Christ. If, then, in any narrative of His life, such as is furnished by the four Gospels, miracles are ascribed to Him, or predictions fulfilled in Him which are not explicable as coincidences, the only consistent course for the Modernist is to assume that these superhuman occurrences were not genuine facts, and to inquire by what myth-making or other process of the devout imagination they came to be read into the story. And so the historical Christ becomes "a man of the choicest nature" indeed, but still only a man, whom it is impossible to regard as the trustworthy organ of a divine revelation. Accordingly, we have here, too, not a development but a flat contradiction between the belief of the Catholic Church and the Modernist tenets.

3. IN REGARD TO THE NATURE OF FAITH.

Next we come to the question of *faith*. According to Catholicism, as we have known it hitherto, faith is the assent given to propositions the truth of which is certified to us not directly by the light of our personal reasoning, but indirectly, and on the testimony of God,

which we can absolutely trust. So defined it is of like nature with the faith we repose, in regard to earthly facts and truths, in the testimony of human witnesses more experienced than ourselves and known to be truthful. Provided we can have evidence, of the nature specified in the last section, that God has really spoken, the human mind easily recognizes this to be a reasonable mode of arriving at truths otherwise inaccessible to us. And here once more we have a Vatican decree enforcing the definition :

This faith, as the Catholic Church professes, is a supernatural virtue by which, through the gift of God and the aid of grace, we believe that the things revealed by Him are true, not because of their intrinsic truth as seen by the natural light of reason, but because of the authority of God Himself who reveals them to us, and who can neither be deceived or deceive.

Again, too, the Vatican definition is one which the simplest inspection of the writings of theologians, Fathers, and Apostles will show to be in accord with them. Such a definition for the Modernist, however, is inadmissible, for it implies a divinely authenticated external witness to make the revelation, and that, as we have seen, his fundamental principle of agnosticism forbids him to recognize. Hence the substitution of another species of faith, that of the *religious sentiment*, which, evolving under the action of vital immanence, arrives by means of suitable experiences at "a firm conviction" that there is a God, personal, omnipotent, omniscient, all-good, &c. ;¹ that Jesus Christ, even though historical criticism can find nothing super-

¹ It has been suggested in some quarters that this doctrine of the "religious sentiment" as the source of our religious knowledge is substantially the same as that of Cardinal Newman in the *Grammar of Assent*. The reader should not be misled into imagining this to be the case. The Holy See is not likely to have wished to condemn our great Cardinal and his luminous teaching in this indirect way, and we know as a fact that the idea did not enter into its mind. Besides, although with a little ingenuity it may be possible to bring together some Modernist phrases and some phrases of the Cardinal's, and draw a plausible parallel between them, the two conceptions on analysis are radically different and opposed. On this see *Cardinal Newman and Modernism*, in the *Month* for June, 1912.

human in His life, was the ambassador of God and even the Son of God ; and that the whole doctrinal code of the Catholic Church is true, at least in a symbolic sense. This "firm conviction" is taken by the Modernist as sufficiently certifying us of the objective truth, in a symbolic sense, of these doctrines, but it is not easy for our minds to see how that can be. What is this *religious sentiment* ? Is it of the nature of perception or volition ? If of perception, why is it not referred to the intellect like the other perceptive acts that occur within us ? If of volition, which seems to be the case since it is called an "intuition of the heart," how can volition assure us of the nature of anything, or do more than supply a ground from which some perceptive faculty can infer some truth ? These are questions which at once suggest themselves when we hear of the new species of faith originated and matured by vital immanence ; but in any case the opposition between faith of this sort and the faith which believes on the warrant of the divine attestation is as marked and complete as can well be.

4. IN REGARD TO THE NATURE OF DOGMA.

In regard to *dogma*, too, the opposition is radical. According to Catholicism, as we have known it hitherto, the doctrines of the Christian revelation are true beyond fear of doubt for all times and places. The warrant for their truth is ultimately the testimony of Christ, and proximately the teaching of the Catholic Church, which the Holy Spirit guards from error in her exercise of this teaching office. When the Church makes it clear beyond doubt, in undisputed cases by the tenor of her daily teaching and in controverted cases by her solemn decrees, that such and such doctrines are a true part of the Christian revelation, then doctrines are called dogmas, and, being what they are, are immutable. They may come to be more fully understood by the faithful, but they will never need to be set aside in the interests of greater accuracy. On the other hand, according to the Modernist theory, dogmas are religious

formulas tentatively set before the religious sentiment by the devout mind, but which, being only approximations to the truth, and besides symbolic in their relation to the object-world, are liable and even likely to require reconstruction or rejection with the flight of time and the advance of investigation. Moreover, the final test by which their validity is determined is not the voice of Christ speaking with authority through the Church, but acceptance on the part of the religious sentiment which finds them conformable to its need.

And this Modernist conception of dogma involves a further and twofold opposition to Catholicism, as we have known it hitherto. For if the test of doctrinal truth is neither with the rational motives intrinsic to the doctrine, nor with the external testimony of Christ and His Church, but with acceptance or rejection on the part of the religious sentiment, how are we to distinguish between Natural and Supernatural Religion; and again, between the true and false forms of Christianity? Natural Religion, as the Church understands it, is the Religion based on such knowledge of God as we can attain by the exercise of reason apart from revelation. Supernatural Religion is the religion based on the revelation made to man by our Lord Jesus Christ. As the latter elevates man far above the exigencies of his natural state, it is not due to him, and so cannot become known to him except by revelation. The difference, again, between the true and the spurious forms of Christianity is to be determined by reference to the testimony and commands of Christ, preserved to us by the methods and institutions which He originated and authenticated. Here are tests which under our present system we can apply, and so hope to arrive at the truth. But, under the new theory of dogma and its relation to the *religious sentiment*, how are we to discriminate in this important matter? The *religious sentiment*, however much it may have been fed and nurtured by experience, has but the alternative acts—to accept or reject a dogma or practice according as it finds itself in living harmony with it, or the reverse. Moreover, its acceptance when accorded is the outcome of a

natural need ; that is, of an exigency which, in the case of supernatural religion, supposing it to be such, cannot arise. And if, as regards the choice between Catholicism and (say) Protestantism, one large group agrees in finding that its religious sentiment is satisfied only by the Catholic system, and another only by the Protestant, on what ground is one to be deemed universally preferable to the other ? It might be said that the strength of endurance was a criterion. But Hinduism and Buddhism are both older than Catholicism, and Mohammedanism is only six centuries younger, and, if it may now seem to some possible to predict an early dissolution of Protestantism, how was that possible to our ancestors of two centuries ago ?

5. IN REGARD TO TRADITION AND SCRIPTURE.

Tradition, according to the Church's belief, is the faithful guardianship and transmission from generation to generation of the doctrines which in the first instance were revealed by our Lord Jesus Christ. And *Scripture*, according to the same belief, is the Word of God committed to writing by men who were under the dictation of the Holy Spirit. It is because this is their nature and origin that an absolute authority attaches to their contents, as the Vatican Council, following in the footsteps of the Council of Trent, has distinctly defined. But with the Modernist reconstruction of the conceptions of revelation and dogma there must now be a corresponding reconstruction of the conception of Tradition and Scripture. And so Jesus Christ becomes merely the founder of a great spiritual movement, and Tradition becomes the transmission to future generations, by preaching and other modes of oral communication, of the original experiences gathered by Him and others in the past ; whilst Scripture differs from Tradition only in this, that it contains "those original experiences of an extraordinary kind which have happened in any religion." Nor can the notion of authority constraining to acceptance be discovered anywhere in these reconstructed concepts.

6. IN REGARD TO THE NATURE OF THE CHURCH.

The *Church*, according to Catholicism, as we have known it hitherto, has its origin in the commission given by our Lord to St. Peter and his fellow Apostles to go and teach all nations, accompanied as it was by the promise that they and their successors should be divinely guarded in the fulfilment of their trust, as well as by the sanction which exacted under the heaviest penalties acceptance of their teaching and obedience to their commands. It is from this source that the Church claims to derive that authority the exercise of which is found by the Modernist to be so cramping. But according to the latter the Church is "the product of the collective conscience, the society of individual consciences which depend on one first believer who is Christ." And the origin of Church authority is "in the need which every society has of a directing authority to guide it to the common end and to guard its doctrine and worship"—which involves that it is an authority coming to the Church's rulers from below not from above, from the people not from God, and overstepping its just limits and ceasing to bind when it sets itself in opposition to the democratic methods which are the modern people's will. How different these two conceptions are does not need to be shown.

7. IN REGARD TO THE SACRAMENTS.

The *Sacraments* have hitherto been held not only to signify but also to impart grace. But that implies institution by Christ during His earthly life, since none but He could give such power to a ceremonial rite. The Modernist conception of a sacrament is that it is a "bare sign or symbol with no power whatever to impart grace, but only to make a deep and useful impression on the mind and heart of the recipient," and not instituted immediately by Christ, but only mediately and at a date far removed from that of the Public Life. Again the opposition is palpable, and needs no showing.

Conclusion.

To conclude very briefly. Following in the footsteps of the Encyclical, we have endeavoured to explain, in language divested of technicalities and intelligible to the plain man, the character of this new system, and have called attention to the chief points of opposition between it and the Catholicism to which we have all been brought up. May we not conclude that, if we are to attach the name of Catholicism in any sense to the new system, we must call it Catholicism turned upside down? Why, then, should it be deemed surprising that the Pope has spoken out plainly and condemned it, especially if it is spreading, as it is said to be, particularly in France and Italy, and even infecting the minds of the young aspirants to the ministry, through the agency of their teachers. Had he forbore, would he not have been neglecting his trust and departing from the venerable tradition of his predecessors on the Apostolic throne?

Of outside critics there are indeed those who will admit freely that from the point of view indicated Pius X is fully justified and has shown an admirable courage; but who will tell us magisterially that in electing to be consistent with traditional Catholicism he has lost a golden opportunity of making terms with modern science and progress, and has embarked his Church on a course inevitably leading to destruction. Well, that is a kind of forewarning we have heard so often before, and it has ceased to impress us. In the past it has ever been not the Church but her monitors who have perished first; and confiding in the promise of indefectibility so marvellously fulfilled hitherto, we may trust that the issue from our present crisis will follow the same rule. At all events we cannot but feel that a Catholicism transformed in the sense of the Modernist theory would cease to have attractions for us and might well be allowed to perish.

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President of University College, Cork.

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EVOLUTION AND CATHOLICITY

By
SIR BERTRAM C. A. WINDLE
M.A., M.D., Sc.D., Ph.D., F.R.S.



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Evolution and Catholicity

By

SIR BERTRAM C. A. WINDLE

M.A., M.D., SC.D., PH.D., F.R.S.

I.



IN the four talks of which this is the first I am to do my best to explain what Evolution means and how the problem appears to Catholics such as myself and others who have written about it. When I am talking to-night, for I shall develop the matter more fully in other talks, of evolution I mean the theory of transformism or the derivation of one species from another, and I take it as a theory intended to explain the method of Creation and in no way in conflict with the fact of creation but on the contrary relating to a process which could not have come about by chance.

We have been told lately by some that Evolution is contrary to Christianity, and, if that be really so, then it must certainly be contrary to Catholicity. Yet within recent years various really important works have appeared by Catholic priests, being also men of science, which not merely discuss the topic, but take up definite views about it. Let me just name these writers. There is Father Wassmann, a Jesuit and the leading authority in the world on certain lines of entomology. He is willing to accept the theory of transformism as defined above. The second writer, Canon de Dorsodot, Professor of Paleontology in the University of Louvain, goes further than that for he thinks the theory is definitely proved to be a

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fact. The third Dr. O'Toole, a Benedictine, whilst regarding the theory as innocuous from a religious standpoint, does not feel inclined to accept it for scientific reasons into which I cannot now go. What I have said at least disposes of the absurd remark which I have seen in papers of standing, that Catholics are not so much as permitted to discuss the topic of evolution by their ecclesiastical superiors. And it shows, what any sensible person might have guessed, that there is just the same difference of opinion on the matter amongst Catholics as amongst other folk—some do not bother their heads about it at all; some have very vague ideas about it; some think they know all about it and don't; some, who really do know what the question means, think one thing about it, others another and all of them are free to take what view they choose. In order to understand this fact we must take a glance at the attitude of the Church in matters like that which we are discussing. One thing is quite clear about the Catholic Church. It is a corporate body which can and does make very definite and explicit statements from time to time. Some of these are proclaimed to be infallible as everybody knows. Many people have quite absurd ideas as to these which I cannot afford time to deal with now. What is true, however, is that such pronouncements are very few and relate to faith and morals. Of course there are other authoritative but not infallible utterances doctrinal and disciplinary. When any such utterance of either kind is made we can fairly talk of—say—the Church and the Infallibility of the Pope, for there the Church has spoken clearly and unmistakably. But where there is no such utterance it

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would be inaccurate to talk in such a manner as to couple the Church with a topic and as having made itself responsible for an opinion on it. And in that way it would be inaccurate to talk about the Catholic Church and Evolution, for we have no grounds for such a conjunction of words since we have no definite corporate utterance on this subject which would make such words accurate.

From all this it is clear that the Catholic as far as his Church is concerned is as free to discuss the topic we are dealing with as any other man, naturally within the limits of what his religion teaches him as to the Bible. And what is that? That is what I propose with some trepidation, for it is a vast subject, to try to explain in these few moments.

I am beginning with this aspect of the case because it is quite fundamental and because there are many people perhaps who are puzzled to understand the position of men like the Catholic writers whose names I mentioned a short time ago. They are fervent Catholics yet they believe in evolution; how can this thing be? What in the first place is the Bible? It is a collection of various treatises by various authors and, confining myself to the Old Testament for the moment, that treats very largely of the dealings of God with man and more specially with the Chosen Race. It was the Church which saved the Bible for the world and the second half of it was written by its members under the inspiration of the Holy Spirit. In a word it is the property of the Church and the Church has the duty of interpreting it. I break away for a moment because I imagine that I can hear some one indignantly protesting that the Bible is the property of all

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Christians. I agree but all Christians would never have had the Bible but for the Church. My time is short and all that I can do is to set forth the Catholic position as well as I can, so as to make it understood by my hearers without attempting to prove that position. The Catholic view then is that the Church alone can interpret the difficulties of the Bible. Surely everybody must admit that it has many difficult passages, else why is it that such diametrically different opinions are expressed about the same passage and all of them by men of honesty and good will? When the servant of Candace, Queen of the Ethiopians, was discovered by Philip reading the works of Isaias, Philip asked him whether he understood what he read. His very humble and very proper remark was, "And how can I, unless some man shew me?" That is the reply made by Catholics to-day in face of Biblical difficulties, and the place to which they go for help is the Church through its regular channels.

When the Reformers split away from the Church they set up an organization admittedly founded on a book, differing in that way from the body they had left which had got on for quite a number of years without other Bible than the Old Testament, and which therefore took a different attitude in this matter. The Church regards the Bible as the inspired word of God: let there be no mistake about that. But the Church is careful to point out what the Bible is and what it is not. It is not a text-book of science in general, nor of any science in particular. Its aims are quite otherwise. It was a Cardinal who said that the Bible was given to man to teach him how to go to heaven and not to teach him how the

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heavens go. No one, therefore, would any more think of going to the Bible to ascertain information on some biological point than he would be of trying to hunt up a quotation from Shakespeare in the Telephone Directory.

Thirteen centuries ago that great man St. Augustine laid down a number of rules for the interpretation of the Bible and these, with observations of his own, were once more brought before the world in the great pronouncements of Pope Leo XIII. These must now be briefly discussed. First of all we are told by St. Augustine that the writers of the Bible did not seek to penetrate the secrets of nature or to describe the workings of the visible universe. And why? Precisely for the reason mentioned a moment ago—because these things were in no way profitable to salvation. The Bible is to help us to save our souls and they can be saved without the slightest acquaintance with a single scientific fact. Then again we are told that at times the writers of the Bible dealt with the things which they were discussing in figurative language or in terms which were used commonly at that time, and which indeed as modes of speech are used to this day and every day and even by accurate men of science. There are then parts of the Bible which may, nay must be interpreted figuratively—how are we to know what these are?

Here again Pope Leo in accordance with St. Augustine helps us—we are not to depart from the literal and obvious sense save where reason makes that sense untenable or where necessity requires. Let me develop that matter a little. Most certainly we should not let ourselves rush wildly into a figurative explanation just because some new

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theory—no matter how attractive and plausible—seems to require us to do so. That is neither a respectful nor a common sense attitude towards the Bible as perhaps the following instance may show. An Anglican Bishop in the latter half of the last century—a great Bible scholar—wrote to the late Professor Clerk Maxwell, asking him whether a certain physical hypothesis would help him in a difficulty connected with the Biblical account of creation. Maxwell, at that time, was perhaps the greatest living physicist and his reply was very clear and very instructive. It comes to this: Scientific hypotheses of all kinds are constantly being put forward; some of them succeed in establishing themselves, but far more fail to do so. It would be the height of folly to attempt a reconciliation when the theory with which the reconciliation was attempted may be on the scientific scrap-heap within a few years. On this point Cardinal Newman remarked that to him it seemed somewhat undignified for a Catholic to be perpetually chasing theories and devising reconciliations without regard to the fact of the evanescent nature of so many theories. Before committing ourselves to the figurative explanation let us at least wait until the theory, which seemed to be compelling us to adopt it, has been reasonably established. Again St. Augustine, cited with approval by Pope Leo—and remember every difficulty which one ever meets in this interpretation question was before the minds of both of these men—St. Augustine says: “If in these Books I meet with anything which seems contrary to truth, I shall not hesitate to conclude.” Please mark what he concludes: “either that the text is faulty,” and that is a very obvious possibility still more possible

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perhaps in the saint's time than now, or "that the translator has not expressed the meaning of the passage" again, from all that we know about translators, no impossible thing. And finally he adds: "or that I do not myself understand it." Of course, the underlying thesis with St. Augustine, with Pope Leo XIII., with every Catholic is this.

God is the author of the Bible and of the Book of Nature, and they cannot possibly really contradict one another. Where there appears to be a contradiction it is because there has been some mistake which has not been cleared up fully. What appear to be facts may not be facts at all. For more than two hundred years chemists taught that there were some eighty odd, as it got to be by degrees, substances which they called "elements," which it was believed were absolutely and from their origin and of their nature unalterable and hence their name. Clerk Maxwell, whom I have just spoken of, took that view most dogmatically in the last edition but one of the *Encyclopædia Britannica*, and it was the definite teaching of science when I was a student and years after. Yet we now know that it was all wrong. Suppose—which did not happen—that this teaching of science had appeared to conflict with some statement in the Bible and that some kind of reconciliation had been made, how foolish that would have seemed when the day came whereon it was proved that the scientific idea so long held was an inaccurate one. To sum up: there are passages which are to be taken figuratively, but, because that is so, we are not to rush to the conclusion that every passage, which seems difficult at the time, is such a passage. And now having surveyed

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the general topic just a few moments to discuss the early chapters of Genesis in connection with which we have a good deal of help from the Biblical Commission set up for that purpose. Looking carefully at this part of the Bible it seems that the things which we really learn from it are that God created everything, and not all at once, but in a serial manner, so to speak, but that how this creation took place is matter of surmise. We are not told anything about its method. Respecting what are called the Seven Days of Creation we are told by the Biblical Commission that this term "day" may be taken to mean a period and not one of twenty-four hours, and as to the occurrences of those days, since there has been no definition on the point, surmises are permissible and there have been at least a dozen such, none of which have been condemned by the Church. One learned Catholic Bishop thought that the account was set down as it is for liturgical recitation; another writer thought that it recounts a series of visions accorded to Moses; while a third thought that the Scriptural account is an allegorical drama, in six acts in which the religious duty of worship of One God who has created the world and of gratitude for the magnificent bounty of that creation are inculcated. So that there is much liberty allowed in this interpretation again flowing from the view that we are not dealing with a text-book of science in the Bible. A further piece of information which we receive is that we are not bound to interpret these chapters literally where expressions are patently not used in the strict sense but metaphorically or anthropomorphically, that is when the actions of the Creator are spoken of as if they were those of a man, which, though ludicrously in-

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accurate, is yet, within our limitations, about all that we can do. To sum up the findings on this matter we are informed that since it was not the intention of the sacred author, when writing the first chapters of Genesis, to teach us the innermost nature of visible things, nor to present the whole order of creation in a scientific manner, but rather to furnish to his readers—an Oriental people, he is noted, accustomed to highly figuratively language—to furnish these people, I say, with a popular account adapted to the senses; to man's intelligence; and doubtless to the times; since such was the case, we are not bound when interpreting these chapters to seek for scientific exactitude of expression.

These seem to be quite clear sailing directions for the trip which we have to take in later talks, but before I finish this one let me allude to another matter. Very important. Let us not be led away by false generalizations. How often we read or hear the statement—"Science teaches this" or "Science tells us that." Well that is figurative language if you like. What is Science in that connection? "Fashion dictates"—well what is Fashion? I suppose a few man-dressmakers, perhaps assembled in a room in Paris.

And now what is "Science" in this connection? It may and sometimes does, in the works of the less responsible writers, mean just "I"—"I say so." In more authoritative works or speeches it may mean, "A large number, perhaps the majority of men of science, think that things are thus and thus." That is the most that it can mean except in the case of plain undoubted facts, such as that some animals have backbones and some have not. But few would trouble to say that science teaches

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that, for no one needs to have it taught them. When we are told that "Science teaches so and so," it generally implies some theory, so when we are told that or anything like it, let us be a little cautious. In the first place "Science" or "Fashion" in such a connection are not real entities like the President of these United States who can make a pronouncement. And in the next place there have been things which we were told, time after time, that "Science taught" which have now turned out to be inaccurate. The real leaders of science know this very well and time and again have insisted on caution in the acceptance of new theories, but how often is not their advice neglected. Science—organized common sense as Huxley once called it—deals first of all and chiefly with facts; their collection and verification. But the facts have to be correlated and the moment that that begins, science converts itself into philosophy and enters the land of surmise. When it is a question of what is or is not a fact, we must necessarily bow to the decision of the man of science where we cannot verify his statement ourselves, as must happen in the vast majority of cases.

But where he begins to theorize and erect hypotheses we may reasonably suspend our judgments until we see what others think of his theories, and in fact discover how they try-out.

Hence we reach this conclusion, that in approaching such a topic as that of evolution the Catholic, who is perfectly loyal to his faith, has a great deal wider liberty than is generally supposed, far more too, of course, than anyone is committed by his religious opinions to an absolutely literal interpretation of all parts of the Bible.

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II.

In the first of these talks I pointed out that the Catholic attitude towards the Bible and its interpretation included the ideas that, whilst most of it was to be taken literally there were parts which had to be dealt with as figurative and showed what the indications were for each.

Further, I showed that there was no such thing as an entity called Science, but that there were numbers of observed facts, and very many theories founded upon them, which collectively might be spoken of as science. I mean to delay a little over this point. A scientific fact is an absolutely unchallenged observation. Man and some other animals have backbones—unless everything that exists is mere illusion, there cannot be any doubt about that.

Or I go to a mine with its owner. He knocks a bit of rock out of the wall. I see it treated through all its processes and something comes out which every kind of test proves to be gold. Then it is a fact that there was gold in that bit of rock. The owner may have salted his mine with that bit of rock but, if I have checked up every one of the processes, that there was gold in that particular bit of rock is a fact. And so with many other facts—they stand unchallenged. But a fact may stand for a long time unchallenged and yet turn out not to be a fact. In my last talk I noted that in 1661 Robert Boyle, a Corkman, set agoing the idea that what were called the chemical elements could not in any way be changed, and were from their very beginning and in their very nature unchangeable, and that was taught as fact for more than two hundred years until radium was discovered and now

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Boyle's idea—though it was believed to be true for so long—has had to go to the scrap-heap. There is much in it, and it was very valuable while it was held, but it was inaccurate. Still there are a vast number of facts as to which there can be no reasonable doubt. They lie around so to speak like so many bricks—what is to be done with them? Build a house out of them; show how they are related to one another—that is common sense. Yes—but the moment that you start on that operation you get into quite another region—you pass from fact to guess. Or to put it in another way you begin to construct a hypothesis. That is merely a long word for a guess, and if people called these things guesses there would be a great deal less confusion about them than there is. I guess that a group of facts means so and so—that is what is meant by making a hypothesis. Note please that we should never get a bit more forward in our scientific ideas unless hypotheses were invented. It could not be done. There is no other way of dealing with these matters. You may call it clumsy if you like, but whether it is or not, there is no other way. A man of science studies a certain group of facts and says to himself—"Now I wonder why those things are as they are." Bye and bye, while thinking it over, an idea comes to him. "Such and such an explanation would explain what I am looking for. I wonder if it is the explanation." Let us remember here that because an explanation explains, it is not, therefore, by any means necessarily the genuine explanation. Every detective story is based on the fact that there may be quite a lot of explanations for a given group of facts, and that all of them cannot be right and that none of them

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may be. And so with scientific hypotheses or theories. The man of science tells his brethren what he thinks perhaps in a lecture or in an article or in a book, and at once some bright spirit tells the world that Professor So-and-so says such and such a thing; whilst really he only said, "this is my guess, 'what do you think of it?'" Then the hypothesis is open for investigation and every fact that is brought forward which fits in with it helps to strengthen its position.

But always bear this in mind—one solid uncontested fact which absolutely contradicts it is fatal. The hypothesis is dead and it must go to the scrap-heap. Think how useful it has been all the same, for it has kept men working along that line and led to the discovery of a whole heap of things, perhaps some of them immensely important, which might never otherwise have come to light. That is what is meant by a working hypothesis. It is a guess along the lines of which we may go on working and, incidentally, if Galileo had understood what was meant by a working hypothesis there never would have been any trouble about his hypothesis as there never was about the same hypothesis when it was put forward many years earlier by Copernicus. Can a hypothesis ever be turned into a fact? Of course it is possible, otherwise we should spend much of our time chasing shadows. But how? By experiment certainly. Evolution is still an hypothesis; can it ever be proved? Professor Millikan of Chicago, a great physicist and a Nobel prize-man, has recently told us that "the pathetic thing is that we have scientists who are trying to prove evolution, which no scientist can prove." And by that I think he means proved

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by experiment, for a great biologist declared that evolution could not be proved satisfactorily until some one had experimentally produced a new species from an old one, a thing which no one has ever made an approach to doing. I am getting along too fast for it will be well to discuss here what is meant by evolution or transformism—a better name if the other had not secured all rights by this time. Let us tackle that problem. Take a look at the world of life around you. What do you see? Any number of living things, animal and vegetable. There are many, many thousand named insects alone, without some of which we could get along very well, and so with plants and the rest. The picture of nature is an extraordinarily varied one. It need not have been so. God might have made a world where there was nothing but grass with perhaps cows to eat it. It would have been a duller but a more peaceful world than ours. But that is not our kind of world. Take another look; is there any difficulty in distinguishing between the different plants and animals, between—say—a horse and a goat? Not the least for this is a discontinuous world. It might not have been. Things might have shaded gradually off into one another so that it would have been necessary from time to time to say, “I am not sure whether that is a cat or a dog.” That immortal boy, Penrod Schofield, had in his show a dachshund which he called “dog part alligator.” Of course, there is no such thing as dog or cat part anything. No such thing as cat part lion or part tiger though all these things are cats great and small. The world of life is varied and discontinuous—it is like a staircase, not like an inclined plane. It is more difficult to ask you to take a look into

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the world of life in the past, for that entails a study of geology. But perhaps you will take this on trust—you can confirm it in museums and books—the world of life in the past was also varied and it was discontinuous. Thus it resembled the picture of to-day and that far, far back in the past. But it differed in details. At the earliest periods there were nothing like all the varieties of things which now exist and there were things alive then of species which do not exist to-day. Very early there were fishes and thus things with backbones, but there certainly were not men nor mammals nor birds. That seems quite clear. Later on there came huge lizard-like beasts which had their time and disappeared, leaving only the small creatures of the sort which we have to-day. Now we get to our problem—how is all this to be explained? How are these loose bricks of fact lying around to be built into a house? There are people so indifferent as to say, "What does it matter? Here are things as they are and how they got to be that way does not worry me." Anybody is entitled to take up that position if he chooses, and no one can blame him, though one may marvel at him. The explanation will neither help one on one's moral or financial road. But there are lots of people who are filled with scientific curiosity and they do want to know.

How are they to get to know? We have seen that there is only one way and that is to set up a hypothesis—to make a guess—and see how it works and evolution is the only working hypothesis—the only likely guess—to-day. Let me develop this point a little bit. There were once no mammals in existence. Where did mammals come from?

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There was once no such thing as a lion in existence; where did the first lion make its appearance from? Milton in *Paradise Lost* pictured every thing appearing at once and slowly dragging itself out of the clay from which it was being formed.

“The grassy clods now calved, now half appeared
The tawny lion, pawing to get free,
His hinder parts, then springs as broke from bonds,
And rampant shakes his tawny mane.”

Of course, an omnipotent Creator could have made the lion in that way, for that is involved in the term omnipotence. But if one can be quite sure of anything, one can be quite sure that that was not the way in which the first lion came into existence. That was a poetical derivative of the extreme literal treatment of the Bible favored by the Puritans of Milton's day, and still influencing minds in some places. But it never was an idea put forward by any Catholic theologian or poet. Well, if that was not the way, where *did* the first lion come from? That is the question which evolution proposes to answer, and in this way—the first lion was derived from some other beast, a cat-like beast which yet was not a lion; that is what evolution says. Where did that beast come from? From some other creature still less like a lion and that from another, and so on until you get down to the beginning of all mammals. And then? Well then you must get down through those queer beasts like duck-billed platypuses to creatures which were not mammals though they have backbones. And still further down until you

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get to things that did not have backbones at all like worms and flies to-day. And still further until you arrive at things that consisted of one single little cell—the simplest kind of living things. Everybody to-day has heard of bacteria—they are little single-celled plants. And most people know that a certain kind of mosquito carries a tiny living creature within him which he imparts to those he bites, and that that creature causes malaria. It was not until that vicious mosquito was exterminated that it was possible to make the Panama canal, and the little beast that it imparts with its sting is a tiny one-celled animal. So there are plenty of one-celled plants and animals and such are, according to this theory, the kind of things out of which everything living has come. From them all other living things have ascended. Most of the people who hold this theory think that the earliest living things were, comparatively speaking, simple in their construction. That seems to be the easier thing to believe, but there is, as we shall see in the next talk, another view which cannot be left outside consideration. Of course, we meet with a difficulty here which must not be slurred over. We can feel quite sure that there was a time when there was no kind of living thing on this earth, neither vegetable nor animal. Where did what we call life come from? Some have thought that it was brought from another planet. It is very unlikely and even if it were that would not help us much. Others think that it was in some unexplained way evolved from not living matter, but Pasteur showed that all the things which had been brought forward to prove that theory were wrong. He did not and could not show that there was no such thing as what

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is called Spontaneous Generation. What he did show was that there is no kind of proof of such a thing, and all aseptic surgery and all the canning trade depend upon the accuracy of his observations. Of course, it is legitimate to say—let us take life as being there and see what happened to it when it got going. I agree; let us do that; but let us not forget that we are leaving behind us a very important problem and leaving it unsolved. I shall return to it, however, later on. The next problem is this—we have got life, however it got there, in certain single-celled organisms, perhaps even now both animal and vegetable, perhaps at that period indeterminable. What made these tiny things get on to a more complicated stage? That is a question which the theorists leave wholly unanswered so far as I know. To become more complicated the one-celled thing must become many-celled; what made it become so? It could not be pressure of external circumstances, for there was nothing to exert that pressure that one can possibly imagine. The one-celled thing was getting on very nicely all by itself. There was a world with only one kind of living thing on it as we thought of some few minutes ago. Why did any change whatever take place? Above all why did many-celled things come into existence where there had only been one-celled things? All that the theory can say is: "I don't know; let us get on and see what they did when they did begin to change." Very well; I am agreeable to let us get on; but let us note that we are leaving behind us a second so far unsolved problem to which also I shall return in another talk. At any rate that is what is meant by evolution. Darwin did not invent the idea as many people

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think—that I shall deal with next week. But he was the first to popularize it, and as what he said sums up very well what is meant by the term I will quote it. “There is grandeur in this view of life, with its several powers, having been originally breathed by the Creator into a few forms or into one; and that whilst this planet has gone cycling on according to the fixed law of gravity, from so simple a beginning endless forms most beautiful and most wonderful have been, and are being evolved.”

Darwin grew more than nebulous in his theism in his later days, but he retained this passage in all the editions which appeared during his lifetime and thus it is fixed forever in his work. It gives, you notice, his idea of where life came from—it was originally breathed by the Creator into a few forms or into one and just there comes another problem. Was there only one original form or were there several? To put it scientifically was evolution mono- or poly-phyletic, that is did it start as a single trunk or as many trunks? That is another question as yet wholly unsolved and one of prime importance to the theory. Yet it is another of the things which we have to leave unsolved in order to get on with the theory. But a moment before we leave it. It is wonderful enough to suppose that one single-celled thing could have arisen and developed into everything that we see; what about the origination of a number of different single-celled creatures, each one of which, so to speak, was the lowest rung of a ladder at the top of which were different classes of living things not merely animal and vegetable, but perhaps different kinds of both worlds of life. That would be a very wonderful thing to contemplate, and again one would

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have to ask, how was it that such a state of things came about?

That I shall try to clear up in my next talk.

III.

Darwin, as I said in my last talk, did not initiate the hypothesis of evolution. There is a long history behind it with which I cannot deal in these talks but must commence by mentioning Lamarck, a Frenchman, as the author of a theory to account for the production of species on evolutionary lines. He died in 1829 and Darwin's great work appeared thirty years later, when the scientific world was better prepared for such a theory. Yet, though Lamarck made no very great stir in his own time, there are many to-day who consider that his theory is the best explanation of the method of evolution. Darwin collected and classified a vast number of facts which favored the general theory of evolution, and in addition propounded a theory which he believed would show how the process worked out. The same theory was at the same time arrived at by another man, Alfred Russell Wallace, working in quite a different part of the world, and both were led to the same conclusion by a consideration of much the same facts. Everybody has eaten shad roe and, I suppose, everybody knows that each of the little grains of which it consists is an egg and with luck would have turned into a fish. The same is true of the roe of the herring; of the cod; of all fishes. Suppose that all the eggs in all the roes of all fish came to maturity what would be the result? The sea would soon become so

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packed with fish that nothing could move through it. The same story might be told of every living thing. Even a minute bacillus like that of cholera, if unchecked, will form quite a mound in the course of twenty-four hours by reproduction, though each bacillus is visible only under high powers of the microscope. What prevents this profuse development? The people of these States do their bit to prevent the over-development of fish by eating annually millions and millions of their eggs. If they did not the shad, the herring and the cod have plenty of enemies in their own element which could and would keep down their numbers. In fact it is the preying of one thing on another which keep, on the whole and where man does not interfere, one group of things and another of much the same size from year to year. There is a general average maintained. Why do some survive and others succumb? Luck, of course, in some cases. One shad is caught and its eggs eaten and another goes free and its eggs, or many of them, hatch out. But there is another reason which Darwin insisted upon. When I was on the School Board in Birmingham, England, I was visiting a school in a very slum locality. I remarked on the healthy appearance of the children in spite of their surroundings and shall never forget the master's reply: "Yes, Sir, the rest are dead." There you have it—the survival of the fittest. Some can weather the storm and come through and do so by some favorable variation which they show over the rest. Thus in the struggle for existence they emerge triumphant; the rest, as the teacher said, die. That is what Darwin meant by Natural Selection. It is based on the fact that living things do vary, but what

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causes that variation has long been and still is matter of contention. Darwin thought that it was the nature of the surroundings. Consider this point for a moment. Mankind to-day is commonly said to consist of white, black, yellow and red races and that may stand as a classification, and they have very different kinds of hair and other differences too. Yet no one doubts the unity of the origin of man and the first group of men cannot have presented all these characters. Were they originally all white or all black? Nobody knows nor does anybody know how they came to differ. Were they black and were some afterwards bleached by cold climates or was it the other way round? I do not know nor does any man. Observe all that I have been saying depends upon the belief that an acquired character can be inherited and, strange though it may appear, we are not quite sure to-day that one can. Some believe in this kind of inheritance; others do not. If acquired characters cannot be inherited then it is not easy to see how Darwin's theory can hold water. Here is another undecided question of the first importance, and it has been thrown into still further doubt by the followers of Mendel, the Augustinian Abbot of Brunn, then in Austria. Though a contemporary of Darwin it is clear that he never heard of Mendel who died unrecognized, and whose papers were disinterred sixteen years after his death to revolutionize biological ideas. His discoveries have been most fully corroborated, and one distinguished biologist in these States has said that they give the death blow to Darwin's theory of Natural Selection—not, please note, to the theory of evolution. But they make so radical a change in that as to

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render it at first sight almost unrecognizable, so great is the volte-face.

The Darwinian theory claimed that the original living cells were at least relatively simple and that complexity came later. The modern Mendelian claims on the other hand go so far as to assert that no new thing is ever added, and that the changes which we observe are due to losses, which, of course, can cause change just as gains can. Thus it has been wittily said that if this is true and if man has an animal origin, the whole story is merely one of taking out safety-pin after safety-pin and that Adam was a simplified amoeba, a single-celled animal. It requires a large draft on one's powers of credibility and it is the very antipodes of the other idea. Imagine for a moment the vast complexity which we must demand from such a cell! That does not make the theory impossible, but it does oblige us to ask for very definite proof for so colossal a suggestion. Well, which of the two solutions is true? It is hard to say when you have distinguished men on both sides. Either way would be evolution no doubt, still most people find it a little bewildering to learn that there is so much that is in dispute in a theory which some tell them is not theory but proved fact. Is it proved fact? I think myself that those who say that it is define the word "proof" in a way which I should not. By nature and by training I confess that when I speak of a thing as "*proved*," I mean that it is so far established that to doubt it is to raise question as to one's sanity. Very obviously in that sense of the word evolution is not a proved fact, for there are at least a few really distinguished men of science who either dispute

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the theory or very stoutly deny that it is other than an hypothesis. Twenty years ago Professor Morgan of Columbia University, one of the first authorities on the subject in this or any other country, said that "however probable the theory of evolution may appear, the evidence is indirect and exact proof is wanting." I should doubt if the Professor has changed his mind on that point in these twenty years. Certainly I have not for I agreed with him then, and I agree with the statement to-day. Yet we have really distinguished men like Canon de Dorlodot (and I select him because he is a Catholic) saying that the converging lines of argument force him to conclude that evolution is an established fact. We have no experimental evidence; that is admitted and to some that absence is conclusive, for without it they claim that the theory could not become proved fact. What is the indirect evidence? There are the chains of animal forms exposed by Paleontologists such as those familiar to all visitors to Museums—the horse and the camel. Very suggestive. Most suggestive. Yet indirect. For we do not know, and can never know, that these different forms were related to one another genetically, that is by direct descent. Succession is not the same thing as genetic connection. Professor Bather who urges this very obvious point, asks what would be made of the history of England in a thousand years if there were nothing but the coinage to go upon? James I. would appear to be the son of Elizabeth and George I., of Anne. Speaking where I am, perhaps I ought to add that both of these conclusions would be wildly wide of the mark. So it is possible that the claims for genetic connection in the cases of the horse

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and camel pedigrees may also be wide of the mark. I hasten to say that as far as I can judge this is not likely to be the case, but when I talk of "proof" I mean something a great deal stronger than even "very likely."

But further I say that while there is this lack of exact proof, we have so much evidence as to make the hypothesis of evolution not merely the best working hypothesis, but at this moment the only one which is even imagined, still less considered by men of science. And as a stimulus to inquiry and the originator of researches which have led to our knowledge of a myriad of new facts, it is of course unrivaled. But there are quite a number, as we have seen, of collateral questions still to be settled. There is the question as to where life came from—for I am assuming here that the difference between a living and a not-living thing is one of kind and not merely of degree, though I am unable to go into the proof of that point. There is the question as to why the postulated single-celled organism ever became a multiple-celled being. Then there is the difficulty raised by the followers of Mendel to-day: is the sum to be worked out by addition or subtraction? It is surely important that we should know that before we get our slates and start figuring. So far, however, it is the only scientific theory which pretends to explain where the first lion came from as I showed last week. St. Thomas Aquinas put forward in one of his works an explanation of the motion of the stars which doubtless would have explained things, but which has turned out to be un-needed. But he was a wise man, and he said in propounding this explanation that it might be held until further information established or abolished

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it. I cannot myself see where any other explanation than evolution is going to come from, but then what wonderful and disrupting discoveries have been made even during my lifetime! Radio-activity on the one hand and the Mendelian discoveries on the other. It is far more likely than not that other equally astounding things may be in the offing. Let us be doubly sure before we stand up and say that anything is "proved." There is one thought that must surely occur to any one considering this matter. Neither on the lines of addition nor of subtraction could these things which we have learned about come by chance. There was a time when people could babble about a fortuitous concourse of atoms bringing the universe to pass. Huxley very properly said that no one with even a tinge of scientific knowledge could talk about chance and Liebig, the great chemist, said that he could as soon believe that the flowers of the field came to be as they are by chance as that a book on botany could be composed by throwing a confused mass of printer's type on a table. But if not by chance then surely by design for there is no middle term.

And who was the Designer? Again surely no ordinary intelligence, and it is just here that we pick up the point that evolution may have been the method of the Creator as to which we learn little or nothing from revelation. If it is a proved fact, of course it was the method, but as a very strongly suggested theory is there anything in it which runs in any way contrary to our idea of the Creator and His creation? If it was the method it would not matter whether the sum was done by addition or by subtraction; indeed it matters little now except to scientific

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scholars. When the moment arrived appropriate for its emergence, life would emerge, according as the creative fiat had determined. The urge to become multiple-celled and to develop along the varied lines represented in nature, implanted in living things by the Creator, again would do the work it was intended to do. Scientific men talk to-day of that "urge" under the name of "orthogenesis" a long word for the striving towards an end which has to be recognized in living things, and which I can only find time to mention in passing. Is a view of this kind unworthy of our idea of a Creator? Years ago, in his fable the *Water-Babies*, Kingsley urged that it was a greater thing to make things make themselves than to make them oneself. I am going to answer the question in the words of one who occupies the unusual position of being a theologian as well as a man of science—would that the world had more such! I mean Father Wasmann, the very distinguished German Jesuit of whom I spoke in the first of these talks. For his theological fervor I refer anybody to his *Christian Monism* and his scientific reputation is known to all the world. In the introduction to his *Problem of Evolution* he says—and may I with all humility, make his remarks mine? "When we read the stately account in broad outlines which Holy Scripture gives of the Creation, and when we are told that God's creative word produced the various kinds of plants and beasts from the water and the earth, we must not imagine that we have any scientific definition of the idea of species. This idea was the offspring, many centuries later, of a definite system of philosophy, and much later still arose the scientific idea of species, which is so closely inter-



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woven with the theory of permanence, and which was evolved by Ray, Linnæus and Cuvier in the eighteenth and nineteenth centuries. If, therefore, modern science shows us that we probably ought to group the systematic varieties of the present and the past together so as to form genealogical pedigrees, we, as philosophers, may describe such pedigrees as 'Natural Species.' But we must not read this idea of species into the Biblical account of the creation, as if it really occurred there. We can only say that, if this kind of idea is confirmed, it will be additional testimony to prove that the Biblical account of the creation does not contradict the facts ascertained by science." And then this learned priest continues: "Personally I am firmly convinced that the doctrine of evolution, considered as a scientific hypothesis and theory, is not at variance with the Christian theory of life." Finally he considers the question raised a few moments ago as to the bearing of the theory on our ideas of the Creator and he says: "If we assume that God is the creator of all things, and that the world created by Him, had evolved independently and automatically, we have actually a greater idea of God than if we regard Him as constantly interfering with the working of the laws of nature. Let us imagine two billiard players, each having a hundred balls to direct. The one needs a hundred strokes in order to accomplish his end; the other, with one stroke, sets all the balls in motion, as he will. The latter is undoubtedly the more skilful player. St. Thomas Aquinas stated long ago that the force of any cause was the greater, the further its action extended. God does not interfere directly in the natural order where He can

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work through natural causes. This is by no means a new principle but a very old one, and it shows that the theory of evolution, as a scientific hypothesis and theory, as far as it can be proved, is perfectly compatible with the Christian theory of the origin of things. According to this view the evolution of the organic world is but a little line in the Book of the Evolution of the whole Universe, on the title-page of which still stands, written in indelible letters: "In the beginning God created Heaven and Earth."

Let me, to wind up, deal with one statement still commonly made though not amongst educated people. Haeckel was fond of asserting it and indeed it was just the kind of unphilosophical remark in which he delighted.

The theory of Evolution not only can dispense with God but enables us to dispense with belief in Him too. That is the allegation—Father Wasmann was not slow in replying to this with the statement that evolution could not even begin to work without God. But a greater than Wasmann, the late Lord Kelvin, the greatest physicist of his time and perhaps the greatest since Sir Isaac Newton, told the world more than twenty years ago what he thought when he said, "I cannot admit that, with regard to the origin of life, science neither affirms nor denies creative power. Science positively affirms creative power which she compels us to accept as an article of belief." The statement it must be admitted was not received with universal applause, but that was because those who doubted it had no philosophical training. Anyone with a philosophical mind must see perfectly clearly that a complicated system such as evolution, whether under Dar-

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winian or Mendelian ideas, could not possibly have come into existence, still less work without an Intelligence and a Will behind it altogether different from anything that man can comprehend.

IV.

To-night I have to deal with a very important; very difficult, and very much misrepresented and misunderstood problem—the question of man in relation to evolution. The Bible tells us that the Creator fashioned man “*de limo terrae*”—as the Vulgate has it—translated in the Catholic version as “the slime of the earth;” in the Protestant as “the dust of the earth.” It does not matter which for dust becomes slime when it is wet. Then He breathed into it the breath of life and then, and then only, man became a living spirit. Cardinal Newman in a sermon after quoting the passage, adds, “Man was made rational after he was made corporeal. Here are two acts on the part of the Creator—the forming the dust and the breathing the life.”

So far the Cardinal, and let us note that this particular case in the account of creation is the only one where we get a hint of method and far more important, a definite statement of a dual operation. Man was first of all corporeal and then spiritual. Of course, the latter is very far more important, for it is solely on account of his intelligence that man is what he is. Apart from that he is but a poor kind of animal, not very strong; not very swift; unprovided with powerful teeth or claws. He would, but for his intelligence, have been wiped out of

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existence not long after he came into it by the powerful and savage beasts of the field which existed when he first made his appearance. His soul is the thing which is really important; not his body though, doubtless as a relic of the now disappearing materialism of the last century, the question of his body is that which is most hotly debated. To my mind it is of infinitesimal importance when compared to that of his soul. Nevertheless it would be wrong for me to omit some mention of that part of the controversy. How was man's body shaped? I saw recently in a work by an eminent man of science an appeal to theologians not to try to make men believe that the Creator actually shaped an image of clay for the reception of man's soul. Thirteen centuries ago St. Augustine, one of the greatest doctors that the Church has had, said that to suppose that God with corporeal hands fashioned an image of clay was—"nimis puerilis cogitatio"—too childish an idea. So that we may leave that out of court. And as the Church has never given any opinion as to the meaning of the words, "slime of the earth," we may at least make this observation. What is man's body made of? Flesh and bones, nerves, arteries and muscles and the like? But what are they made of? A great deal of water enters into the composition of the human body but apart from that it consists of some twenty or more chemical elements which are all constituents of the earth's crust; so that in sober truth it is made of the slime of the earth, water and dust and after death will return to the slime of the earth, water and dust. Surely it is legitimate to ask how the author of Genesis knew this?

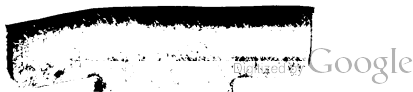
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Many to-day think that this body of the first man was derived from the animal kingdom, and it must be admitted that a number of books speak of this opinion as if it were proved fact. Is it proved fact? Most assuredly not unless we use the word "proof" in a wholly false sense. There is a certain amount of scientific evidence which points in that direction—that must be clear to every anatomist for anatomically man belongs to the order of Primates and his construction, though differing in certain suggestive directions, is on the lines of that of the higher apes. Let us in passing note that a very distinguished Comparative Anatomist, Professor Vialleton, has recently published an erudite work in which he argues that this morphological proof, as it has been called, is not in his opinion evidence for evolution at all. That is not a general opinion, but it is one worth quoting as we are dealing with the topic. But we want more than suggestion to talk about a thing being proved, and the sober voice of science tells us that proof is still wanting. Branco, a very distinguished German paleontologist—and it is to those learned in fossils we must, above all, go for information in this matter—said in 1901 that paleontology knows no ancestors of man. In the next year Reinke, another distinguished German man of science, said that "the only statement, consistent with her dignity that science can make, is to say that she knows nothing about the origin of man." Lastly in 1923 Marcellin Boule, a French authority of the highest rank, who fully expects by the way, that the proof of man's animal origin will be forthcoming some day, says: "We must confess then, however damaging the confession to our *amour*

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propre, that we are still too ignorant to give a direct answer to Huxley's 'supreme question' or to solve in full the perplexing problem of our origin." Thus from the scientific point of view the matter is still uncertain and to speak of proof in such a case is to use that word, as I have said in a perfectly false sense. When I was treating of this subject in my book, *The Church and Science*, I asked the leading theological authority in the final school of studies of the Jesuits of the English Province to help me on this point, and his words appear in that book. I quote them as his and not as mine for I have no right to speak on such a topic. "Should real proof of the original evolution of man's body come to light, the Church would have no difficulty in accepting that opinion, as she is not committed in any irrevocable manner to the opposite doctrine." Since that was published I have read in a book issued under Archiepiscopal Imprimatur a favorable expression of opinion towards the view in question. But, since science is still in doubt, it is surely no time for those who are not men of science to debate a proposition which may not be cleared up for years, if ever. From this I pass to the infinitely more important subject of man's intellectual part—his soul as we call it, and here the Catholic is on firm ground for it is of faith that each man's soul is a special creation by God, and if he ceases to hold that belief a man ceases to be a Catholic. That is not the opinion of many outside our Church, for there are many who hold that man's intellect—his whole spiritual make-up—is derived directly by evolution from his animal ancestors.

The two opinions are in flat contradiction. I am not



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going to debate the question with the view of showing that our opinion is right, for we hold it on grounds which we believe to transcend any other kind of proof, nor am I about to offer any argument in favor of our grounds of belief. What I am going to do is to offer some evidence on the point which will show that, apart altogether from revelation, there is a very great deal to be said against the materialistic theory I am discussing, so much so as to convince men of learning who are not influenced by the teachings of revelation.

And first of all I wish to mention a point which was held far more important when I was starting the study of science than it is now, and that is the undoubted similarity in structure between the brains of man and of the higher apes. The latter are much smaller, of course, but the lines of their construction we may take to be practically identical. There was a time when this was thought to be important proof of the view I am dealing with. In my opinion it is just the contrary. Suppose one visits two concert-halls in both of which there are organs, one large, the other small, but in other respects highly similar. In one of them one listens to the sublimest conceptions of great composers; in the other to jangling, inconsequent, unmeaning noises. What must we conclude? Surely that there is a musician in the one case and a child or ignorant person in the other. So with the products—if you will—of the two brains we have been considering. It is the performer who counts and the human soul is the performer which utilizes the human brain. The anatomical argument seems to break down since thought it cannot possibly, being unextended,

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be considered, as it was once foolishly proclaimed to be, the secretion of the brain.

From that I pass to the ethical aspect of the case, and I prelude my remarks by laying down the position which I hold that ethics must be taken seriously as a part of philosophy. Any philosophy which leads up to an obvious absurdity must be highly suspect if not put out of court. Do not forget that science has to make her act of faith just as much as religion. She has to make an act of faith for she cannot prove that there is such a thing as truth; that this is a rational universe governed by eternal laws, and that man is so constituted that he can arrive at an explanation of that universe and those laws. He could not do that nor hope to do it if it were not rational. Would a universe in which there were no such things as ethics be rational? What sort of a world would that be where there were no moral laws to operate as between man and man? Anyone can make a guess at what it would be like and no one would care to live in it. A very distinguished man of science has recently said—and very properly said: "If the doctrine of evolution is true, then sin consists of nothing but the tendencies which man has inherited from his ancestors." Note very carefully that here he is not dealing with the physical evolution of man but with his psychical evolution and, if man's higher part was evolved as he thinks it was, then logically he is unassailable. There would be no such thing as sin and it would be an act of gross injustice to punish anyone for the foulest crime. Is that a rational view of the universe? It does not seem to me to be so, and in that I find at least one important argument against the view I am

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combating. But, of course, the most interesting persons to consult are the psychologists and they may broadly be divided into two schools, for the behaviorists—so-called—are in direct opposition to others of whom I have yet to speak. If man is really only an automaton then behaviorism is no doubt an interesting study, but how any man who considers himself can subscribe to such an idea is quite beyond my comprehension. Professor McDougal, of Harvard, in a recent address put the point much better than I can, and yet as I should have wished to put it could I have done so. He said—that the mechanistic or behavioristic view of man was as “a bundle of mechanical reflexes, a superior penny-in-the-slot machine, whose workings are mysteriously accompanied by various elements of consciousness. And he proceeded to urge that no intelligent discussion of human affairs is possible, without the use of such terms as motive, intention, desire, will, responsibility, aspiration, ideal, striving, effort, interest, all of which involve the notion of purposiveness. Just so—it is as I have said, behavioristic philosophy leads up to an absurdity and that proves its inaccuracy.

The fact is that the phenomenon of the intellect when properly considered is not a thing which can be explained on any material lines. Man thinks about himself. He calls himself up before himself for judgment, and that is surely an intrusion of the immaterial into the material. A recent writer, a Catholic, unlike nearly all of those whom I have quoted this evening, asks whether—suppose man’s animal origin were ever proved—there would be anything left to us in virtue of which we could call man

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Master. And he replies to himself: "There is. Run 'instinct' for all it is worth; show how man's delicate sensibility in a thousand directions is but the hypertrophy of such instinct; collect whatever instances you will of inherited tendencies, of herd-psychology, and the rest of it—you still come up against a specific difference between man and brute which eludes all materialist explanation; I mean the reflective reason. When your attention, instead of being directed towards some object outside yourself, is directed towards yourself as thinking or towards your own thinking process, that is the work of the intellect, that is Man's special prerogative. When Adam awoke in the garden, we dare not guess what monstrous forms of animal life, what wealth of vegetation our world has forgotten, his eye may have lighted upon. But we do know what was his strangest adventure, because it was an adventure which he shared with none of his fellow-tenants in Paradise. His strangest adventure was when he met himself." I have said that the Catholic is urged to his belief in the unique character of Man's soul by his belief in revelation.

But here are arguments which have appealed to others who are perhaps not impressed at all by revelation, or at least not so much perhaps as we Catholics are, and which have caused them to take up a position so similar to ours as to be undistinguishable from it. Professor McDougal, from whom I have already quoted in another place, in the preface to his great work, *Body and Mind*, says that to "many minds it must appear nothing short of a scandal to anyone occupying a position in an academy of learning, other than a Roman Catholic Seminary"—

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please note that exception—"should in this twentieth century defend the old-world notion of the soul of man." Yet, after one of the closest analyses ever made of the case, that is precisely what he does. It was the view of Wallace associated from the beginning with Darwin. Driesch, one of the leading philosophers and biologists of Germany, concludes that "there is a difference between man and even the highest apes which is simply enormous; man, after all, remains the only 'reasoning' organism, in spite of the theory of descent." The late Professor Sidgwick, one of the most distinguished zoölogists of these later times, in concluding his great work on zoölogy discusses the anatomical position of man whom he, of course, places with the Primates, but he goes on to ask what we should have to say if we took into consideration his psychical as well as his physical characteristics. And he answers himself by two passages. The first is that from Shakespeare: "What a piece of work is man. How noble in reason! How infinite in faculty!" And the other: "Thou hast made him a little lower than the angels and hast crowned him with honor and glory." Most people think of the late Professor Huxley as an ingrained materialist but he had some philosophical insight, and he saw that a materialistic explanation was and must be incomplete and displeased some of his brethren by an utterance towards the end of his life which I will quote. "Force and Matter," he said, "are paraded as the alpha and omega of existence. This I apprehend is the fundamental article of the faith materialistic, and whosoever does not hold it is condemned by the more zealous of the persuasion (as I have reason to know) to the inferno appointed for

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fools and hypocrites. But all this I heartily disbelieve. It seems to me that there is a third thing in the universe, to wit, consciousness, which in the hardness of my heart or head I cannot see to be matter or force, or any conceivable modification of either, however intimately the phenomena of consciousness may be connected with the phenomena known as matter and force." And so the latest writer on Mental Evolution in the latest book on the subject, just hot from the press, tells his readers that "the doctrine of the direct creation of each rational soul by God seems to embody a principle which psychology cannot afford to overlook." With regard to this special question of man and his body and soul Father Ronald Knox has recently said: "We knew that God first formed man of the slime of the earth—of one kindred with the beasts that perish, and that, only afterwards, only when God breathed into his face the breath of life, did he become a living soul. And if it should prove that our bodies, this slime we were formed from, are part of a coherent system of gradual biological evolution, we are still, as intellectual creatures, the *enfant terrible* of Natural History, a cuckoo's egg in the nest of bewildered creation." So much for the more limited point, but in quitting this subject let us not forget what is the real position of science, for it is deceptive to imagine that it is all-sufficing. One important corner of this great universe belongs to science but there are others, and science can neither tell how she came to be in her corner nor how there come to be any corners at all. Huxley sums up these limitations very well when discussing the relationship of evolution to morality, and so no one will accuse

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him of over friendliness to the Catholic Church or even to religion, I will conclude with his statement. "If the belief in a God is essential to morality, physical science offers no obstacle thereto; if the belief in immortality is essential to morality, physical science has no more to say against the probability of that doctrine than the most ordinary experience has, and it effectually closes the mouths of those who pretend to refute it by objections drawn from merely physical data." If men of science and it may be added, some theologians, had remembered these things, we should not have been a witness to many of the wrong-headed conflicts which the last seventy-five years have seen.

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